

HOUSE OF REPRESENTATIVES—Thursday, November 4, 1993

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious and loving God, we come together in Your presence and acknowledge one another. We are Your children and we are all one people that have been created by Your hand. We admit our responsibilities, one to another, as members of the human family, and yet there is so much violence and discord about and we do not demonstrate the wholeness we have received as Your gift. Teach us to believe and have faith, to live and act, to show our tie one to another, so we will more fully display the unity we have been given by Your hand. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. BILIRAKIS] please come forward and lead the House in the Pledge of Allegiance.

Mr. BILIRAKIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 Members on each side for 1-minute requests.

FOOD SAFETY STANDARDS UNDER NAFTA

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, recently, the St. Louis Post-Dispatch conducted a 3-month investigation of pesticide use in Latin America and as the reporter said, an inspection in Dallas last year of a load of Mexican vegetables gave new meaning to the phrase "hot pepper."

Tests on green peppers found two forms of DDT banned in the United

States, two more prohibited insecticides, a fifth pesticide that cannot be used on peppers in the United States and a sixth chemical that resembles hydrochloric acid.

From Mexico, United States imports of produce have skyrocketed to over \$1 billion a year. More shipments are predicted if Congress approves NAFTA. Yet the overall frequency of FDA inspections of imported food declined in 1992 for the second straight year.

Under NAFTA, any dispute over food safety will be referred to the Codex Alimentarius, a firm based in Rome, Italy, whose standards are lower than the current American standards. These are the people who will make the decision on the safety of the food you and I eat if NAFTA passes.

THE MYTH-MAKERS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, when it comes to NAFTA's opponents, I have to really hand it to them: Never has so much been said by so few to mislead so many.

It really comes down to one fact: The anti-NAFTA coalition is led by a rogues' gallery of demagogues. In fact, they are a veritable all-star roster of myth-makers.

From Ross Perot to Pat Buchanan, from Jerry Brown to Ralph Nader and Jesse Jackson, the men on this all-star roster share one trait: they are all long on name recognition, but notably short on credibility.

Nativism, scare-tactics, and xenophobia are not sufficient reasons to vote against NAFTA.

The myth-makers need to confront the facts: NAFTA will create jobs, improve the environment, help American relations with our neighbors, and expand markets.

Resist the myth-makers. Vote for NAFTA.

ON NAFTA

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the most important trade agreement in American history is pending with NAFTA. Passage of NAFTA is immensely important to the United States—it must pass and will pass.

This NAFTA agreement will mean jobs for Americans. First, six jobs will be created for every one job that might be lost. That is a fact as agreed to by most top labor officials. Second, the United States and Mexico have reached agreement on monumental changes for our environment—clean air, and clean water. Never before in this country have environmentalists had such a significant place at the bargaining table. Third, our trading partners to the south include not only Mexico, but also all of South America, and the Caribbean. This is the best chance we have ever had to expand our markets and sell American goods in the Western Hemisphere.

NAFTA is gaining, slowly and surely. Each day brings new supporters. We are within striking distance of victory, and by November 17, we will have the votes to win passage.

Mr. Speaker, I support the North American Free-Trade Agreement. NAFTA will preserve 700,000 American jobs related to trade with Mexico. It will increase exports of U.S. goods and improve the competitiveness of American workers. Last year the United States enjoyed a \$5.4 billion trade surplus with Mexico. With NAFTA, the remaining Mexican trade barriers will be removed creating new jobs and vastly increasing exports of United States goods. NAFTA will leave the rest of the world on the outside looking in on the world's largest trading market, and enable us to better compete with Europe and Asia.

NAFTA protects North American goods from outside competition by including specific rules of origin to prevent outside countries from disguising their goods as NAFTA goods in order to receive the NAFTA tariff exemption. The Japanese are opposed to NAFTA because it will enable the United States car industry, and other American industries, to expand, strengthen, and take precedence in the growing Mexican market.

The agreement protects Americans by establishing the North American Free Trade Commission and a Trilateral Secretariat to administer a panel review program to resolve any international disputes. Moreover, with the side agreements on environmental cooperation, labor standard enforcement, and on protection from import surges, NAFTA is good for the United States and good for American jobs. Rejecting NAFTA would be a crucial mistake for the United States foreign policy and international relations.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE SNOOZE BUTTON

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the reform alarm is ringing, but the Democrat leadership is reaching for the snooze button. They would rather let reform sleep than respond to the wake up call sent by the voters on Tuesday.

Reform Republicans swept out status-quo Democrats, by offering lower taxes, better government and tougher crime enforcement.

The Democrats in the Congress, however, have not received the message. Instead, they dream up schemes like having the taxpayers pay for political campaigns.

They derail the efforts of the Joint Committee on Reform. And they pass sham crime measures that do not start to meet the needs of the justice system.

Mr. Speaker, the only way to wake up the Democratic power-brokers in this Congress is to kick them out of that comfortable bed called the majority.

As long as the Democrats continue their 40-year stranglehold of this institution, they will never see a need to wake up to reform. F

NAFTA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, as everybody knows, all the former Presidents have come out and endorsed and support NAFTA. To figure out how the American worker feels about that NAFTA endorsement, I have struggled trying to find some comparative data by which to assess the emotion of the American people.

Last week, at a public auction in New York, an autographed photograph of Richard Nixon sold for \$100.

□ 1210

An autographed photograph of Gerald Ford sold for \$100. An autographed photograph of Jimmy Carter sold for \$100. An autographed photograph of the Three Stooges, Larry, Mo, and Curly, sold for \$3,000, 30 times more than the photographs of the Presidents.

I think that says it all. The American worker does not need to have their noses pinched, their ears boxed. They know exactly what NAFTA is going to do, and that public sale at that auction tells us exactly what they think of the advice and counsel on this trade agreement.

REFORM IN A FASHION

(Mr. EWING asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, reform has finally come, no thanks to the Democrat majority leadership.

After Tuesday's elections, it has become clear that if the American people want reform, they will have to do it themselves.

The stunning victories in New York City, New Jersey, and Virginia are proof that the American people are tired of Democrat politics as usual.

We were promised months ago that the House would consider reform legislation. We were told that October would be reform month. Now, we have been reassured that reform month is only being delayed, not denied.

However, Mr. Speaker, the elections yesterday clearly show where the reform will come from. It will come from the American people, with their votes against the Democrat status quo.

Mr. Speaker, November is indeed a month for reform. The election yesterday is the first sign that reform means a rejection of the Democratic rule, and an end to their dominance of this institution.

CALLING FOR A REDUCTION OF VIOLENCE AND SEX ON TELEVISION

(Mr. APPELEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPELEGATE. Mr. Speaker, murder, armed robbery, assaults, rape, sex. Do the Members think I am reading the police blotter? It is what we see on television every night of the week. Freedom of expression? Baloney. That is what the courts say. They say TV is not an influence on our young people, that the influence comes from society.

Why do companies like McDonald's and all these others spend billions of dollars for television ads? Because they influence the youth and they get it back big time. Free speech? They say that is a problem. That is only what the courts say free speech is, handcuffing the police and wimpy judges who ought to serve the time for the rapists, the assaulters, and the sex offenders who they put out on the street.

If television movies do not clean up their act, then Congress has to.

VOTERS REJECT TAX-AND-SPEND DEMOCRATS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the voters have spoken. Loud and clear. The tax-and-spend philosophy espoused so long by the Democrat Party has been repudiated.

Our former colleague, George Allen, is the new Governor of Virginia—the

first Republican elected to that office since 1977.

Democrat Gov. Jim Florio, who meted out recordbreaking tax increases to the people of New Jersey, has been defeated by a Republican who espouses fiscal restraint and tax cuts.

New York now has a Republican mayor who has promised to bring under control runaway government spending and to put a stop to the bureaucratic nightmare which has so long plagued our Nation's largest city.

Mr. Speaker, it is no coincidence that Republicans rolled to victory all over the country Tuesday. People are tired of paying for big government. For this reason, people oppose President Clinton's plan to socialize medicine.

Real change is needed now. Tuesday's election shows that voters will accept nothing less.

HEALTH INSURANCE INDUSTRY PUTS PEOPLE LAST, PROFITS FIRST

(Mr. VISCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKEY. Mr. Speaker, while almost everyone has entered into a constructive dialog on health care reform, the health insurance industry has come out with both guns blazing.

The health insurers have taken aim at the Clinton plan, but instead, they have shot themselves in the foot.

While the Clinton health plan would put an end to skyrocketing costs, the health insurance industry is interested primarily in increasing its profits.

While the Clinton plan would guarantee health care that is always there, the health insurance industry wants to continue the fine print policies that allow it to drop people who become sick.

While the Clinton plan would stop the insurance industry from raising your rates, the industry would stop the Clinton plan so that it could continue to jack up your premiums.

Mr. Speaker, it is clear that the President wants a plan that will keep people healthy and insured. The health insurance industry wants to keep the status quo, which puts people last and profits first.

A TIDAL WAVE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, across the country Americans are sending a clear strong message to the liberal tax-and-spenders. However, instead of heeding the clear call for less Government, lower taxes and real anticrime initiatives, the President and his crew are trying to bail out the White House

after Tuesday's devastating election results. The President, who just 1 year ago claimed a national mandate with only 43 percent of the vote, dismissed Tuesday's results because "all politics are local." The chairman of the Democrat Party said, "It's very difficult to elicit a national trend." Well, Mr. Speaker, tax-and-spenders swallow their own P.R. at great peril. They should listen to someone with nothing left to lose. Democrat Mary Sue Terry recognized the tidal wave that ended 12 years of liberal Democrat rule in Virginia. This is the same tidal wave that is sweeping big cities from coast to coast. This is not a question of liberals learning how to swim to survive—this is a matter of going with the flow toward fiscal conservatism.

CITRUS AND SUGAR DEALS HARDEN OPPOSITION TO NAFTA

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, NAFTA proponents apparently have struck a deal to further shield United States citrus and sugar growers against lower cost Mexican production. I asked this question: Why is it free trade and looking forward when we take steps to preserve production of certain U.S. crops, but it is protectionism and looking backward when concerns are raised about the impact of enormous economic differentials in the cost of production of industrial goods?

Throughout industrial America, among those who work in it, supply it, and service it, there is a sinking feeling. Just as in the 1980's when we did not pay serious attention to how our workers and our businesses were competing against Japan's closed markets and strategic targeting of American industry, and we ignored the consequences of the 2,000-plus maquiladora plants mushrooming in Mexico, today we confront a NAFTA, as presently drafted, that does not sufficiently address how our workers and small businesses will compete against Mexico's highly productive workers and plants. This will be especially true after NAFTA enhances Mexico's policy of lowering investments by arbitrarily suppressing salaries and wages.

A citrus and sugar deal might win a few votes, but the price is the hardening of the opposition that is at the core of the resistance to this NAFTA. In their effort to peel off a few votes, NAFTA proponents are highlighting the heart of the matter for the entire Nation.

FACE-FARCE: NEW HATE BILL WOULD TURN PEACEFUL PRO- TESTERS INTO FELONS

(Mr. SMITH of New Jersey asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, the Freedom of Access to Clinic Entrances Act or FACE is a mean-spirited farce—a new hate law proposal—designed to turn deeply moral and ethical middle-class and poor Americans into felons.

Peaceful, prayerful, nonviolent pro-life dissenters made up mostly of women, whose only intent in protesting at abortion mills is to protect unborn babies from child abuse and butchery and to provide mothers one last opportunity to choose life, are singled out for cruel punishment, including 1 to 3 years in jail and up to \$250,000 in fines.

This legislation is not designed to chill violence—pro-lifers condemn all violence—but is crafted to end peaceful protest and rescues at abortion mills.

H.R. 796, which will come to the floor shortly, was introduced solely to punish one group of protesters out of the many movements that engage in civil disobedience: pro-lifers. The legislation focuses on the motivation of those persons engaging in civil disobedience, not the action itself. Picket for higher wages—no problem. Picket to save life and you go to jail for years. This bill trashes first amendment free-speech rights.

Mr. Speaker, all acts of peaceful civil disobedience should be treated in an even-handed manner, regardless of the motivation of those engaged in this conduct. To punish one group more harshly represents discrimination against one particular viewpoint.

Over the years I have met many mothers, often with young rescued children in tow, who are deeply grateful because a pro-lifer cared enough to have been outside an abortion mill when she was scheduled to abort.

Very few—if any—women ever return to thank the abortionist for dismembering or chemically poisoning her baby. But it is commonplace for mothers who were rescued to visit with pro-lifers simply to say, "Thanks. You loved me enough to be there when I needed you most."

Passage of this cruel antichild, antiwoman legislation would mean a last line of defense against the violence of abortion, the freedom riders of the 1990's, would be put at risk, and our already too-full prisons would be filled to overflowing with good and compassionate people.

□ 1220

NAFTA WILL DILUTE EQUAL EMPLOYMENT OPPORTUNITY

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, as the Congress approaches

the debate on NAFTA, the trade agreement with Mexico, there is one aspect that has received little attention, how NAFTA will affect equal employment opportunities for the Nation's minority citizens.

Under NAFTA, Federal Government procurement would be opened up to Mexican and Canadian companies. The pool of competitors for Government contracts would be significantly broadened.

Currently, most Federal contractors must have equal employment opportunity programs. This has served as an important leverage in the U.S. economy, opening doors to employment for many minorities.

My point is that if fewer American companies get Federal contracts, this important leverage on the private sector will be diluted. Even if foreign companies have equal employment programs, what good does that do American minorities who are looking for work here? What good is a job in Mexico City for an unemployed worker in Detroit?

This is just one more flaw in the NAFTA debacle, weakening our manufacturing base that has provided jobs and hope to many American citizens.

NAFTA IS A TAX CUT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise because one of the leading tax increase advocates in the House was quoted in Congressional Quarterly this week as saying that a vote for NAFTA was a vote for a tax increase.

Now let me say first of all the particular person who spoke helped pass a several hundred billion dollar genuine tax increase this summer. He has voted for virtually every tax increase that has come up. I have opposed every tax increase that has come up. I have fought for tax cuts.

The fact is, and this is a fact, that NAFTA will represent a \$1.8 billion tax cut. If you take the current taxes that are being repealed, it is a net \$1.8 billion tax cut.

Those of us who favor tax cuts because they help create jobs are voting for NAFTA. The tax increase leaders who fought for the tax increase this summer are trying to distort the facts on NAFTA.

If you look at the data, if you look at the Congressional Budget Office scoring, NAFTA will be a \$1.8 billion tax cut. And that is why some of the tax increase leaders are opposed to NAFTA, because it actually lowers taxes.

INTRODUCTION OF LEGISLATION TO BAN THE NEW IMPROVED KILLER BULLET

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, I have introduced legislation, to ban a new improved killer bullet which presents grave danger to both the public at large and emergency room personnel.

This hollow-pointed bullet expands on impact, releasing metal claws designed to rip through flesh and bone, creating deeper and more severe wounds than any other types of ammunition. In addition, emergency room workers whose job it is to remove the bullets run the risk of having the metal claws unleashed by the bullet tear their gloves and their own flesh as they work to remove the bullet from wounded persons. These health care workers are at risk for hepatitis and deadly HIV if the bullets puncture their skin and their blood becomes mixed with that of gunshot victims.

Mr. Speaker, I sincerely hope all my colleagues will join me in helping get this bullet off the street and out of the operating room. The bullet is marketed for its impressive stopping power. It is time Congress showed some stopping power of its own by banning this ammunition.

VOTERS REJECT DEMOCRAT TAX- AND-SPEND STATUS QUO

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, President Clinton said yesterday that we should not make too much out of Tuesday's election results. Nice try. The fact is that voters are fed up with the Democrat tax-and-spend status quo. They're tired of seeing more and more of their paychecks going to fund more and more and more Government. They're tired of Democrat politicians who believe that Government has all the answers.

I would suggest to my friends on the other side of the aisle that if they do not want 1994 to be a lot like 1993, they will get the message. The message is this: Stop the taxing. Stop the runaway spending. And, for goodness sakes, reform this Congress.

Mr. Speaker, if President Clinton and the Democrat leaders in this Congress do not change their ways, the message that was sent on Tuesday to Richmond and Trenton and New York is going to be sent to Washington, DC, next year.

SUPPORT THE PENNY-KASICH AMENDMENT

(Mr. SWETT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, I rise today to offer Americans an example where Congress is doing what our country is requesting—no smoke, no mirrors. I was 1 of 15 Democrats and 15 Republicans who, under the leadership of Representatives PENNY and KASICH, crafted a spending cut package of \$100 billion in hopes of fostering a bipartisan fight to bring our deficit under control. This represents a one-penny cut for every dollar of spending over the next 5 years. Just one penny for every dollar.

This new, pragmatic approach to legislative cooperation should do more than demonstrate fiscal responsibility. It should improve the stature of Congress in the eyes of all Americans.

We have been promised an up-or-down vote on a substantive, clean amendment. On the day of that vote, there will be no place to hide, and the American people will be able to match our words to our deeds. This body must respond to that challenge and do the right thing. I urge my colleagues to support the Penny-Kasich amendment.

PASS CONSENSUS HEALTH CARE REFORM MEASURES NOW

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, health care reform is on the minds of all Americans. If Congress approves health consensus items this year, access to health care would be drastically improved and, at the same time, significant savings could be achieved. Ever since Congress began debate on this issue, we all agree on certain consensus items, such as standardized medical forms, preventive health care, and insurance reform.

Insurance portability and coverage for those with preexisting conditions are two of the most important items. People should be able to move from job to job without losing health insurance. Individuals diagnosed with illnesses such as cancer, heart disease, or diabetes should not lose their health insurance or pay great increases in premiums.

Passing health consensus legislation this year will calm people's fears. It will assure our citizens that they will not have to wait until 1998 for access to health care, that we in the Congress care enough to act now.

Our citizens should not be forced to wait for Congress and the White House to resolve their differences over every single health care issue—who knows how long that will take. I challenge my colleagues to prove to the American people that we are committed to enacting health care reforms. Let us begin by passing those consensus items now.

□ 1230

CONGRESS MUST CHANGE

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, how does Congress get away with adopting laws that apply to everyone except Congress? It is as silly as saying everyone has to pay taxes except employees of the IRS. The difference is Congress gets away with it. There are few reform options that are more appropriate or feature such strong support as eliminating congressional exemptions from the law. When the Joint Committee on the Organization of Congress polled Members on this reform option, 75.4 percent favored applying Federal laws to Congress—94 percent of the freshmen supported the idea. All of the people who offered testimony on this issue to the Joint Committee agreed it is a needed reform. Why then, if we have so much interest, have we not had the opportunity to vote on this agreeable reform? What does it say to our constituents when we can't even bring a widely supported reform measure before the House? It frustrates me and the majority of people who want to see reform become a real issue that the House of Representatives won't actively pursue even the simplest reform proposal. Mr. Speaker, if we cannot start with a minor commitment to reform, how can we possibly expect progress on the complex questions? I used to argue that Congress could do much better if it operated more like a business in the private sector. Unfortunately, I now know that Congress does not have any idea what happens in the private sector. We have managed to allow Congress to spend more than it has and to avoid the laws it adopts. If there is any genuine interest in bringing this institution back to Earth, we should at the very least require Congress to live under its own rules. To do any less is hypocritical.

GIFT BAN/DISCLOSURE

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, despite the unambiguous message from our constituents, despite the public's deep mistrust for Congress, despite the repeated calls from the Democratic and Republican leaders of the largest freshman class in recent memory, the House still delays action on lobbyist disclosure and gift reform.

Opponents of reform say, no change is needed. They are wrong. The people cannot understand why we are entitled to a constant flow of meals, trinkets, trips, and tickets. We are not entitled. It is time for Members of Congress to

pay their own way just like everyone else has to.

Representative FINGERHUT and I have introduced two bills to restore the public trust. First, Members of Congress should not accept gifts of value. Second, any exceptions should be fully disclosed.

Mr. Speaker, the issue is no longer whether or not we will enact full lobbyist disclosure and gift reform—that is inevitable. The issue is whether we will reach out to the American people and do the right thing now—before they do it for us. I urge my colleagues to join me in support of full lobbyist disclosure and gift reform.

NAFTA: AGREEMENT REACHED CONCERNING SUGAR

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, this morning, with great pleasure, I and many of my colleagues concerned about the sugar provisions in NAFTA held a press conference to announce a significant agreement reached between the United States and Mexico concerning sugar and NAFTA.

This binding agreement will protect American sugar growers from unfair Mexican competition by spelling out that high fructose corn syrup cannot be substituted for sugar to create a Mexican surplus to dump on our market.

My district ranks fifth in the United States, in terms of sugar beet production, so this has been an issue that has weighted heavily on my mind as well as my constituents. I am now satisfied this agreement removes the serious threat posed to the sugar industry by the NAFTA agreement.

I believe this eliminates a major obstacle to the adoption of the NAFTA by this body, and I urge any Member to take a close look at this new sugar agreement, if you still have doubts. I am confident it will lead you to re-evaluate your position.

CAMPAIGN FINANCE REFORM

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, I rise today to support efforts to reform our Nation's campaign finance laws. The status quo just will not work anymore and the American public knows it. We must establish a workable structure to halt abusive election practices. Gone should be the outrageously expensive campaigns and gone should be the unaccountable and unregulated independent expenditures and in their place should be a fair and open system to accommodate the incumbent and chal-

lenger alike. I myself was recently a challenger and whatever system we adopt, we must encourage challengers to come forward to have a truly representative Government, with new ideas responsive to constituent concerns.

However, we must be responsible when adopting such reform measures. I urge my colleagues not to just pay lip service to campaign finance reform, but to support real and comprehensive reform. We must resist the temptation to go with the status quo. Any measure we present should withstand constitutional scrutiny. Let us get it right the first time and pass meaningful reform measures. Let us challenge the status quo and encourage the leadership to move on an effective campaign finance reform package.

PROMISES, PROMISES, PROMISES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, under the Canadian Free-Trade Agreement [CFTA], the laws of both nations were to be upheld. The binational dispute panels were to be a temporary measure replaced by individual agreements on problem issues.

That record falls far short of the 1988 written agreement. The panels still are challenging U.S. law, as passed by the U.S. Congress and the various State legislatures. Two-thirds of the panel decisions ruled against the United States, including the overturning of three decisions of the U.S. International Trade Commission.

Regardless of promises made by the White House to the agriculture community—the agreement must be “as is” since Canada already has signed it.

Agriculture representatives should know that 1 week ago, Jose Serra Puche, the Mexican Secretary of Trade, told the Council on Foreign Relations in New York that interpretations of the trade agreement were unacceptable. He said “If you open for reinterpretations, you never stop.” He contended that differences in interpretation should be decided by the dispute resolution panels. Remember in trade, even signed promises are not kept.

Mr. Speaker, my friend, the gentleman from Nebraska [Mr. BARRETT], needs to study that statement carefully before he goes out and tries to sell it on the basis of the sugar beet agreement.

BENEFITS OF THE NAFTA AGREEMENT

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COPPERSMITH. Mr. Speaker, today I rise to speak in support of NAFTA.

Mr. Speaker, I support NAFTA for three reasons that I wish to share with you and my colleagues.

The first is trade. NAFTA fully opens an expanding market, a rapidly expanding market, to U.S. companies. As the Washington Post editorialized on Tuesday, if you think that U.S. manufacturing is important, you should back NAFTA.

The second reason is jobs. Former Senator Paul Tsongas said that we should not want Americans competing with Mexicans for low-wage jobs; we want Americans to compete with Japanese and Germans for high-wage jobs. That is what NAFTA means; it benefits high-value industries, helps us reverse some of the economic trends of the past 20 years, and builds for our future.

Our future is the third reason. NAFTA will be a test of our leadership in our hemisphere and in the world. Our ability to influence the GATT negotiations, to open up trade with the rest of the world, really depends on our willingness to show leadership in our own hemisphere.

NAFTA will be the test of whether we try to hold on to an illusory past or whether we have the courage to change the status quo and face our future.

Vote “yes” on NAFTA.

VOTERS GIVE DEMOCRATS THE PINK SLIP

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, voters across America gave Democrats the “pink slip” on Tuesday because Democrats had been giving voters “short shrift” for years.

From urban New York to suburban New Jersey to rural Virginia, voters rejected the party that incarcerates taxpayers instead of criminals.

They rejected the party that favors talking reform over doing reform.

They rejected the party that thinks fiscal policy means get all you can spend, and spend all you can get.

They voted in the party that thinks the wealth of citizens is not measured by how much tax they pay, but by how much income they keep.

They voted in the party that thinks the place for criminals is not the pavement, not parole, but prison.

They voted in the party that thinks reform is a subject for action, not conversation.

America spoke loud and clear on Tuesday and Republicans won because they have been listening to America.

TRIBUTE TO COURAGEOUS CALIFORNIA FIREFIGHTERS

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today to pay tribute to the many men and women of the National Guard, the U.S. Fire Service, the Los Angeles and Malibu police and fire departments and other local fire and police departments for the incredible courage they have displayed this week in fighting these devastating fires.

Mr. Speaker, the people of the State of California have undergone tremendous social and economic changes this year, and to see the many heroic deeds and the cooperation being displayed by firefighters, police departments and ordinary citizens of the State of California renews my faith in the goodwill and spirit of humanity in this great State.

□ 1240

NAFTA, CRIME AND TAXES

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, NAFTA, crime and taxes. I am certainly an advocate of NAFTA, having been so in the campaign, and even strongly now; but I find that this issue along with health care and other issues that are vitally important to this House are going to be swept aside if we do not take care of crime.

Crime is an epidemic. It might even be an addiction in this country. We have to do something about it.

I have made a no-tax pledge. I am saying no to cigarette taxes and alcohol taxes, even in the context of health care reform; but I cannot say no and I have to consider taxes when it comes to crime, when it comes to protecting our people. Otherwise, we are not going to have the luxury of debating these issues and discussing them and doing something with them. We are not going to be able to get from our homes to our offices and back to our homes in safety. Our children are not going to be able to go to school if we do not do something about crime and do it now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will entertain two more 1-minute requests on each side.

THIS MONTH'S SCAM IS CALLED NAFTA

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of Mississippi. Mr. Speaker, those masters of misinformation are at it again. This month's scam is called NAFTA, and it stands for the newest agreement fleecing Americans.

Today's scam is to tell you that it cuts taxes by \$1.8 billion, but what it fails to tell you is that the only people who get a tax break are Mexicans. Your taxes will go up, so that the people who use our ports, our highways, our marketplaces, our policemen, so that their taxes will not only go down, but they will be eliminated.

Mr. Speaker, in this Chamber is the flag of the United States. Four years and two weeks ago I had the privilege of holding up my hand in this body and swearing allegiance to serve this country. I will serve this country by voting against NAFTA.

WHERE IS THE REFORM PACKAGE?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, last year I enthusiastically endorsed setting up a joint committee on reform to make some changes in the House and Senate. This year I have watched with great interest the joint committee's progress as they received hours of testimony on constructive reform ideas. I, like many of my colleagues, testified before the committee.

Now, I am upset to learn that the Senators on the joint committee have separated themselves from the House Members to introduce their own reform package in the Senate. The Senators claim they are frustrated with the partisan disagreements between Members in the House.

Mr. Speaker, when are we going to put aside our political differences for the sake of real congressional reform? Are we going to see a reform package come to the House floor before the end of this year? Or are we going to roll all reform votes to next year, an election year, in hopes of boosting our re-election campaigns.

Mr. Speaker, the American people are getting very frustrated with the political maneuverings going on in Congress. They want reform. I want reform. My Republican colleagues want reform. But it seems that the only reform Democrats are interested in is reform that enhances their majority power in Congress.

NAFTA IS ABOUT ECONOMIC FUTURE OF THIS COUNTRY

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, the North American Free-Trade Agreement will be on the House floor in 2 weeks. At that time Members will be faced with a crucial vote, to move forward with economic growth and job creation or hunker down with the status quo.

Those opposed to NAFTA say, "Not this NAFTA," trying to lead people to

believe that new negotiations on NAFTA will commence after failure. Wrong. The reality is that if it is not this NAFTA, then no NAFTA. If not this NAFTA, the probability is that Mexico and Japan—Japan, our major competitor—will attempt to negotiate a bilateral trade agreement. If that happens, Japan will use Mexico as an even greater staging area to ship their goods into the United States; and if no NAFTA, then you have to understand, no GATT Agreement as well.

With passage of NAFTA, the United States will finally take a smart economic action that will position us to compete and win economically in this global economy.

Mr. Speaker, NAFTA is about the economic future and competitiveness of the American worker in this country. I urge my colleagues to be bold, to work with President Clinton for economic growth in this country and for passage of the North American Free-Trade Agreement.

NAFTA IS WIN-WIN ALL THE WAY AROUND

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, first I would like to associate myself with the remarks of my good friend, the gentleman from Oregon.

I would like to say there are a lot of other things about NAFTA. NAFTA is about cutting taxes.

You know, we have heard all this stuff that taxes are only going to be cut for the people of Mexico. Baloney.

The average tariff that the American consumer pays on items that are flown from Mexico into this country is 4 percent. Anyone who votes against NAFTA is voting against a tax cut for the consumers in this country. That needs to be made very clear as we move forward with this debate.

NAFTA is going to create jobs in the United States, jobs in Mexico. It is going to reduce the burden that is imposed on consumers. It is a win-win all the way around. Let us pass it strongly.

REREFERRAL OF H.R. 3161 SOLELY TO COMMITTEE ON EDUCATION AND LABOR

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that the bill, H.R. 3161, be rereferred solely to the Committee on Education and Labor. This measure was inadvertently referred jointly to the Committee on Education and Labor and the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3167, UNEMPLOYMENT COM- PENSATION AMENDMENTS OF 1993

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to clause 1, rule XX, and by direction of the Committee on Ways and Means, I move to take from the Speaker's table the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ARCHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3167 be instructed to concur in the Senate amendment numbered 1 (relating to a "Reduction of Federal Full-Time Equivalent Positions").

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion to instruct is very simple, but extremely important. It instructs our conferees to accept the Senate amendment which will reduce the Federal bureaucracy by 252,000 employees.

According to the Congressional Budget Office, that will save American taxpayers over \$21 billion over the next 5 years alone.

It was offered in the other body by Senators GRAMM and GRASSLEY and adopted by the Senate with an overwhelming vote of 82 for and only 14 against.

It achieves this worthy goal of reducing the bureaucracy by doing what some might characterize as the unthinkable—actually implementing one of the recommendations of Vice President GORE's highly touted National Performance Review to cut Federal employment by 252,000 positions.

It is precisely the number that Vice President GORE recommended in his so-called reinventing government.

The Federal employment levels in the Senate amendment for fiscal years 1994 and 1995 are taken directly from the President's fiscal year 1994 budget.

□ 1250

The remaining cuts needed to reach the 252,000 level are allocated evenly

among the next 4 fiscal years, 1996 through 1999. As we all know, it is one thing to bask in the glory of proposing to save money, but it is another thing entirely to vote for the legislation that effectively forces the necessary cuts.

This motion to instruct conferees is our chance to do that. We have a legitimate proposal on the floor today to take us a step closer to achieving \$21½ billion in deficit reduction over the next 5 years, and even more over the 6-year period. Let us put that in perspective.

The President has just sent to Congress his long-awaited proposal for spending cuts.

After all the anticipation and publicity, the bill saves a mere \$10 billion over 5 years. We have a chance today to save more than twice that amount.

The Gramm-Grassley amendment is good policy. Its underpinnings come straight from the Vice President's report of the National Performance Review. In that report, the administration embraced exactly the same level of cuts in Federal employment contained in this Senate amendment.

It is good policy to cut the size of the Federal Government by 252,000 employees—with those reductions coming in a fair, orderly fashion over 6 years—largely through attrition.

Certainly there are a large number of necessary, hard-working, dedicated employees who work for the Federal Government. This is not an assault on them or their contribution to our society. But it is a recognition that Federal programs can be managed more efficiently and with fewer people. That is something that the President, the Vice President and we in Congress agree on.

That is why the Gramm-Grassley amendment was supported by a whopping 82 Members of the other body—and a majority of both parties in that body.

That is also why I cannot imagine that a majority of this Chamber will vote against this effort to put teeth into one of the administration's own proposals.

Members would not want to respond to the charge that when given a clear shot at saving taxpayers \$21 billion, they ducked. That is why I expect this motion to pass. Who among us—with perhaps a few exceptions—will want to explain to voters why they opposed cutting the bloated Federal bureaucracy by 252,000 employees?

But this vote is just the first step. If my motion is adopted, we will have to monitor the conference process closely—to see that the wishes of the House and Senate are indeed carried out in the conference report that returns to both bodies for final approval.

Those who want to preserve the bureaucratic status quo will make every attempt to strip the amendment out in conference in spite of what we do here today.

There may come a time when you are going to have to back up what you may think is an easy vote today with a much tougher one on the conference report.

But today's business is my motion to send a clear signal to the conferees that the House joins with the Senate in urging the enactment of this important provision.

We have an opportunity to save over \$21 billion by adopting a proposal which hails directly from the administration's report on how to reinvent government.

It enjoys broad bipartisan Senate support. We should do no less in the House of Representatives. This is the time for us to send a signal to the American voters that there is no gridlock in the Congress, that we agree with them and that we will vote for this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Texas [Mr. ARCHER]. The Senate amendment would establish mandatory ceilings on the number of full-time equivalent positions in all executive agencies for fiscal years 1994 through 1999; and prohibit the hiring of any employee by any agency until the total number of full-time employees is in compliance with the applicable ceiling for the fiscal year.

Under the amendment, exceptions to the ceilings can be made only upon a Presidential determination of the existence of a war or national security requirement or upon enactment of a joint resolution by a vote of three-fifths of the Members of each House of Congress.

According to its sponsor, the intent of the Senate amendment is to ensure that the Federal work force is reduced by 252,000 positions by the end of fiscal year 1999. This objective, of course, coincides with that of the administration, as initially proposed in Vice President GORE's "Report of the National Performance Review".

There can be little doubt that the President is committed to achieving the work force reductions proposed by the national performance review. On September 11, he addressed a memorandum to all Department and Agency heads instructing them to prepare streamlining plans for submission to the Office of Management and Budget by December 1. Each streamlining plan must address the means by which the agency will reduce the ratio of managers and supervisors to other personnel; ways to reduce overcontrol and micromanagement that now generate redtape and hamper efficiency in Government operations; simplify the internal organization and administrative processes of the agency; realize cost

savings; improve the quality of Government services; and raise the morale and productivity of the agency's employees. In addition, on October 1, 1993, the administration transmitted a legislative proposal to the Congress which will facilitate the streamlining of the workforce by allowing agencies to use separation incentive payments to encourage Federal employees to voluntarily retire or resign. That legislation, the Federal Workforce Restructuring Act of 1993, has been ordered reported by the Committee on Post Office and Civil Service.

Mr. Speaker, the Senate amendment constitutes an unnecessary intrusion into the administrative responsibilities and operations of the executive branch. It establishes inflexible ceilings and thereby prevents the administration from achieving its overall objective in a sensible, orderly and humane manner. It has the potential of imposing an across-the-board hiring freeze that could have a serious detrimental effect on the delivery of essential Government services. Except in the case of war or the enactment of legislation, it does not accommodate situations when an agency must quickly increase its workforce to respond to a problem affecting the health, safety or welfare of the American public or to handle an unexpected increase in the agency's workload.

For example, if there were a serious outbreak of fires in our national forests at a time when the employment ceiling has been reached, the Government would be unable to hire any emergency personnel to combat the fires.

Finally, Mr. Speaker, I am not convinced that the reduction goal of 252,000 positions is a viable objective. The administration has yet to furnish my committee any credible data showing how that particular target was determined. Should this goal prove to be unattainable within the projected timeframe, the administration needs the flexibility to adjust its target. The Senate amendment, of course, offers no such flexibility.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Texas [Mr. ARCHER] for yielding this time to me, and it is interesting to hear the arguments against this particular approach. Let us remember where this 252,000 figure came from. It came directly from the administration. This is not simply something that someone in the Senate pulled out of the air. This is the number of people that the administration is saying they want to reduce out of Federal employment.

What the Senate amendment suggests is: Let's get about the job. The

problem that we so often have is that the administration talks about these things, puts out fancy publications talking about these things, has the President get up and talk about all these things, but, when it comes to actually doing something like job reductions, all of a sudden we find all kinds of reasons why it cannot be done now and why it cannot be done a particular way.

□ 1300

If we are going to bring about change, it has to be more than words; it involves real action. The Senate has proposed real action here. What we have on the floor right now is a proposal to really act to reduce the numbers of Federal employees.

The gentleman from Missouri [Mr. CLAY] who just spoke in opposition to this motion was actually telling us about the need for increased employment. The administration told us that we were going to reduce employment by 252,000. The gentleman gets up and opposes this because he said we may need increased employment, and he cites, for example, the need to fight forest fires.

Are we going to fight forest fires by hiring new permanent employees for the Federal Government? That is not the way we deal with emergencies. You hire temporary employees. This does not prevent you from hiring temporary employees. This does not prevent you from hiring private contractors to come in to take care of those kinds of contingencies.

But, of course, the Federal employee unions would not be real happy if what we ended up doing was some private contracting, if we ended up putting private people out to deal with these emergencies.

So the real fact is that what we are dealing with here is union policies, the unions attempting to get in the way of doing something real at the present time. I think the choice is pretty stark. It is very clear that we are voting on the House floor. We have a chance today to move directly toward eliminating 252,000 Federal jobs or we can stick with the people of the status quo, the people who do not want change and suggest that sometime later there will be another bill, that we will do this somehow someplace else, that there will be another way that is easier or more compassionate, or whatever the language will be.

The fact is that we never seem to get there. This is the opportunity, this is the chance, this is the bill that is going to pass. We are going to have 252,000 jobs reduced over a period of the next 5 or 6 years if we act today. If we vote against acting today, we are saying that perhaps we will act at some point in the future and maybe we will not, and certainly we will not move toward real change, we will not move toward

real reform, because the voices of the status quo want to keep us right where we are. The voices of the status quo are suggesting a no vote on the motion to instruct offered by the gentleman from Texas [Mr. ARCHER].

Mr. Speaker, I would suggest a yes vote. Let us vote for real reform and real change.

Mr. CLAY. Mr. Speaker, I yield myself 30 seconds to correct two statements made by the previous speaker.

First of all, Mr. Speaker, I did not accuse the Senate of pulling the figure of 252,000 out of the air. I accused the administration, Mr. GORE's committee, of pulling it out of the air, not the Senate.

Second, the gentleman is in error when he says that temporary emergency help could be hired to fight forest fires. Under this provision it is impossible because temporary and emergency employees count toward the overall ceiling that he is proposing.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, there is nothing in this provision that would prevent private contractors being hired to handle temporary emergencies, is there?

Mr. CLAY. It costs more.

Mr. WALKER. It does not cost more; it costs less. There is nothing in here that prevents that; is that right?

Mr. CLAY. I am sure the gentleman knows that contracting out costs much more than hiring Federal employees.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The time of the gentleman from Missouri [Mr. CLAY] has expired.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman of the committee for yielding me this time.

The previous speaker talked about real change. In fact, that is what we are trying to effect. I do not rise in opposition to the reduction of forces by 252,000. We have obviously incrementally increased that. Why have we obviously incrementally increased that? Because of the necessity to make greater savings. We all tend to agree on that, I believe.

The administration has responded to that. The initial proposal was 100,000. In point of fact, that has been reflected in the budgets that we have adopted and in the actions the Committee on Appropriations has taken anticipating that reduction.

As the chairman of one of the subcommittees of the Committee on Appropriations, in fact, I asked every executive agency that came before me to know that we would expect that the reduction set forth by the President in his budget message would in fact be accomplished.

So that is not the issue here. The 252,000 force reduction can be accomplished. It will be difficult, there is no doubt about that, because we have not cut the workload. There are agencies that, as everybody in this Congress and in the country essentially knows, need to do their jobs.

Furthermore, of course, the last two administrations talked about reducing numbers of Federal employees. Of course, they did that in some agencies while substantially increasing, as all of us know, numbers of employees in other agencies that they favored. So the net number of Federal employees did not, in fact, decrease in any significant way under the two previous administrations. In fact, when this administration accomplishes its objectives, which I think will happen, we will have decreased by substantially more the Federal structure.

Having said all that, this is an unemployment bill. This unemployment bill has been held up in the Senate. It has had a checkered career in trying to get out of this House. There are people who are in trouble, people who, because of the fact that the economy has not responded as quickly as all of us would have liked, have been unable to find employment. There are people who have worked; they are people who want to work. These are people who want to support themselves and their families through gainful employment.

This amendment is not a relevant amendment to the legislation in question. In fact, ironically, on the unemployment bill it will in fact seek to create greater unemployment. That is an ironic perspective. I would suggest, for many members of the Federal service.

But putting that aside, this amendment should not be on this bill. This amendment is a relatively simplistic carrying out of what is a complicated procedure. Why is it a complicated procedure? Because, as any manager will tell us, we can accomplish a reduction, but the framework in which we accomplish that reduction of employees must be made in terms of management responsibilities and management objectives. This arbitrary provision does not give any flexibility to managers. If they were in the private sector, they would have the same difficulty as those in the Federal sector because it does not give them the flexibility to reduce in line with the demands on their agencies, and it does not make sense from a management standpoint. So from a management standpoint it ought to be rejected.

That is not to say that in the next budget, for instance, that comes down, which we are going to be voting on in a few months, again I would say to the Members that we will have in fact carried forward in our budget, as a matter of fact, a 150,000 reduction, so this is a net 100,000 addition that the Vice Presi-

dent has suggested. We have carried forth that reduction which has already been suggested, and I suggest we will complete that process in the next budget that comes up.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. If I have any time left, I will yield to the gentleman from Georgia.

The SPEAKER pro tempore. The time of the gentleman from Maryland [Mr. HOYER] has expired.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I would like to ask the gentleman from Maryland, has he received any communication from the administration urging him to oppose the Senate-mandated 252,000-person cut?

Mr. HOYER. Mr. Speaker, if the gentleman will yield, I have not received any communication from them, no.

Mr. LINDER. Has the administration given any instructions at all as to how they would like us to proceed on this Senate amendment?

Mr. HOYER. I am not used to getting instructions from any administration.

Mr. LINDER. Have they suggested that?

Mr. HOYER. I understand the gentleman's point. The fact of the matter is that I have not received any request one way or the other. I have not talked to the administration about this particular amendment.

Mr. LINDER. Mr. Speaker, I thank the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I urge the Members to reject the motion.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is no surprise that the Members speaking against this motion represent in many instances large numbers of Federal employees who live in their districts, inside and outside the beltway, but the American people have a very different view of this.

□ 1310

It is also interesting to note that these caps on employment levels of Federal employees, not including postal workers and not including military, apply only to executive branch employees. Upon adoption of the Senate amendment, they can be implemented by the President through the Office of Management and Budget, in consultation with the Office of Personnel Management. The President has complete discretion. It is his proposal that we are attempting to put teeth into today, but we hear again the siren song of promises:

"Oh, well, we will do it later," or "We have this objection," or "that objection."

It makes one wonder whether, again, it will be promises, promises that will never be attained. I wonder if some of

those Members who are speaking against the bill today will vote for anything that has teeth in it.

I will say this: This is the time and the place to make it happen, precisely as it has been recommended by this administration. The numbers are the same. There is flexibility within their decisionmaking process as to how it is to be done. I suspect most of it can be done by attrition, but there is the outlet of being able to hire a private contractor in an emergency, which my friend, the gentleman from Pennsylvania [Mr. WALKER] alluded to. There is plenty of flexibility, but there are teeth to make it happen by having the caps there in the law.

There is no need to wait and hold up this unemployment compensation benefit bill by having an extensive conference debate between the 82 Senators who voted for this and a House that will not go along with it. It will potentially delay the implementation of unemployment benefits.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, was the gentleman as fascinated as I was with the representation a moment ago about how the unemployment bill had gotten held up and now we have to reject this amendment because it will hold up the unemployment bill further?

My perception, and the gentleman has worked much closer with this than I have, is that the Democratic leadership has been unable to move this in large part because of special interest concerns within their own caucus. And now we end up with them fighting among themselves again, when, as the gentleman pointed out, 82 Senators voted in favor of this amendment.

The fact is that what will delay this bill the most is if the House decides not to go along with this approach and thereby assures that we get hung up in a long conference. It seems to me, given the position of the other body, that the fastest way to move the unemployment bill forward is to do it by approving the gentleman's motion and assure that the conference can come together very quickly.

Mr. ARCHER. Mr. Speaker, that is certainly my opinion.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I wanted to make the point, as I said in my statement, that, yes, as the gentleman alluded to, I represent a large number of Federal employees.

I also supported, as I think the gentleman from Texas knows, the 100,000 reduction and then the increase to 150,000 in the number of employees that would be reduced over the 5 years. As I

indicated, that has now been increased another 100,000. But I think it fair to reiterate that I voted for that budget, which called for that reduction.

In fact, in my subcommittee, which I chair, we incorporated policies to attain that objective so that they would be real.

My point simply was, and I think validly, that this is a budget decision and an appropriations and authorizing decision. It is extraneous to this bill, and because it is extraneous to this bill will get, in my opinion, superficial, tangential treatment, as I think it did, frankly, in the other body, not from a management standpoint but from a political statement standpoint. That is what this is.

Mr. ARCHER. Mr. Speaker, reclaiming my time, this is a chance to save the taxpayers of this country \$21 billion over 5 years and more than that over 6 years. It will pass the hurdle in the other body of the 60-vote procedural barrier, which always plagues us here in the House. It can be done now. It can be done effectively. I think the American people want it. I think we should do it today and not cover it all up with more gridlock that the American people spoke out against in the elections last year.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. McCloskey].

Mr. McCloskey. Mr. Speaker, I thank the gentleman for yielding time to me.

First, I would like to say to the gentleman from Texas [Mr. Archer] that I do appreciate the sincerity and the intensity with which he wants to back up the goals in this area of the Clinton administration bill. But I think it is a little bit unfortunate, because he is going to have people coming over here asking for information pretty soon to characterize opposition to this bill as opposition to the hoped-for 250,000 cut. I think Members can very much be in a position to want to cooperate and expedite the 250,000 cut while voting "no" on the Archer motion.

In essence, the administration was before our committee several weeks ago. And we, as the gentleman from Missouri [Mr. Clay] said, have not yet been able to find where the 250,000 figure came from. There is no analysis presented to us, Mr. Speaker, agency by agency as to what the numbers will be in the various agencies.

And particularly when the Federal Government is accused of so much management-personnel excess, there are no figures in yet as far as, for example, management-employee ratios.

I think the fact is that the administration is working on this. I think we can trust them to be sincere about it. But why, as the gentleman from Missouri [Mr. Clay] has so eloquently

stated, why bind the administration's hands as far as flexibility, efficiency, the need and the desire for expedited and streamlined hiring in the event of national emergencies?

I would just note, again, that the administration also did not ask for this. We can trust them to do their job without this not-sought-after help.

I would also say, and most emphatically emphasize, that a vote against Archer is not a vote against the 250,000 goal.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

I would simply comment, in response to the gentleman's last statement, that it becomes clearer and clearer that the opposition of the other side that we have heard today, from what few have spoken against my motion, is based on the fact that they want to carve out loopholes and ultimately pass a bill that has no teeth in it. The American people should understand that that is the defense, that is the excuse that they are going to use to vote against this motion.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

The question I was going to ask the gentleman from Indiana is whether or not the Vice President has completely messed up here. It sounds to me as though the attack we have heard so far today is an attack on the National Performance Review, that the National Performance Review did not do its job right, that the 252,000 is a phony figure. They do not know where it came from, that this whole thing is a sham.

I find that disappointing. I think most of us welcomed what the Vice President did, felt as though there were some items here that should be moved very quickly. And what we are now hearing is exactly what some of us predicted we would hear, the Democrats having gotten a tough document out of their own administration are now figuring out ways to get around it.

As the gentleman from Texas points out, it sounds as though what they want to do is come up with a sham bill that will sound like they are doing something about 252,000 but will make certain it has enough loopholes that none of the 252,000 ever get eliminated.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. McCloskey].

□ 1320

Mr. McCloskey. Mr. Speaker, with all due respect to our worthy colleagues on the Republican side, I think the gentleman from Pennsylvania [Mr. Walker] knows that I did not characterize the Gore innovations as a sham

bill or a policy. I simply said, and it is a matter of fact in the RECORD, and we have a responsibility to deal in truth with any administration, that the administration could not provide agency-by-agency or overall, or did not at that time, any statement as to where those facts came from.

I would also state to my worthy friend, the gentleman from Texas [Mr. Archer], it is unfortunate if the tenor of this debate takes a tone to be pejorative about the motivations of sincere people who may have the, I guess, audacity in the gentleman's eyes to vote against this dubious idea. I think we can trust the administration to try to follow through on what they said they want to do. I think they would have good cooperation from both sides of the aisle in this House.

Mr. CLAY. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, let me say it is unfortunate to characterize the motives and actions of Members on this side as attempting to set up loopholes, as talking about avoiding legislation. What is happening on the other side, I think, in my opinion, and the people who would support this amendment, is the creation of a mechanism that leaves no flexibility for the administration, that does not provide for an orderly reduction of employees.

If anyone who has read what the Senate amendment does does not understand that we cannot hire people in emergencies of any type in any agency, then I would suggest that they read the CONGRESSIONAL RECORD dated October 28, 1993, S14594, which says:

No agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full time equivalent positions for all agencies equals or is less than the applicable number required under subsection B, which limits the number of employees annually over a five year period.

So until we reach that period, we would not be able to hire anybody in any agency for any emergency.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Speaker, I will go back to the gentleman and say, it does not have any prevention whatsoever in bringing in private contractors, for instance, to deal with the forest fire, because those are not people that are being hired into the agency, so in fact that discretion is left to the agencies and could easily be done.

I would also point out that our concern is that the gentleman from Indiana [Mr. McCloskey] and the gentleman from Missouri [Mr. Clay] have characterized the NPR report as not being factual. What they have said is when they reviewed this matter they

simply found they had not done a good job.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, I am serious in trying to seek if the administration has any position in this. I would like to ask the gentleman from Missouri [Mr. CLAY] if the Chair has received any requests or any position from the administration on the Senate amendment to the unemployment bill.

Mr. CLAY. If the gentleman will yield, did the gentleman make an inquiry?

Mr. LINDER. Mr. Speaker, let me try it again.

I am sincere in trying to seek information on whether the administration has expressed its position as to the Senate amendment to the unemployment bill to the gentleman from Missouri [Mr. CLAY] or to anyone that he knows of.

Mr. CLAY. Not that I know of, but it is irrelevant, I would say to the gentleman. I do not take orders from this administration or any administration.

Mr. LINDER. It is not irrelevant to me if the administration has a position.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, I rise in opposition to this motion to instruct conferees, a motion that rubs salt into the wounds of the millions of Americans who are out of work.

The motion seeks to instruct House conferees on H.R. 3167, the unemployment benefits extension, to agree to a Senate amendment that requires that the number of Federal employees be reduced by 252,000 by fiscal year 1999.

The maker of the motion argues that the administration has set that level of reduction as a goal and that the mandate of the National Performance Review requires such a reduction.

This House may well agree with the provisions of the Government Reform and Savings Act of 1993, the administration's proposal to begin the performance review process.

But, we should not begin the process by saying to the long-term unemployed that, "We will extend your benefits for a third time by 7 to 13 weeks, but we have no plans to put you to work."

That, Mr. Speaker, is the effect of this motion, and I urge my colleagues to reject it as insensitive, uncaring, inappropriate, and bad government.

It seems that those of us who have jobs and who hear of the problems of the 16 million unemployed and underemployed Americans in the comfort of our homes have failed to hear the message of America.

Workers should not have to suffer the indignity and degrading feeling of being exposed, every 13 weeks, to the

uncertainty of having some income during these difficult economic times.

The unemployment picture in America is like the economic picture for most of the indicators of the Nation's financial health. There are some signs of recovery, but we have yet to experience real improvement.

It appears that the Nation is experiencing a slow, gradual recovery and that some people are going back to work.

That news, however, is very deceptive, particularly when compared to the bad news.

The bad news is that many of the new private sector jobs are temporary or part-time and that most of the workers who lost their jobs during the recession have not gotten those jobs back.

The bad news is that when the chill of winter sets in, over 1 million long-term unemployed persons will be out of work and without unemployment benefits. Benefits are running out fast, while jobs are being created slowly.

The bad news is that in Pennsylvania, my State, 172,685 workers opened new claims for unemployment benefits in the 4 months ending in July of this year.

And, in Philadelphia, my city, 26,823 workers opened new claims during that same period of time.

Unemployment in Pennsylvania is up by a full 1 percent since the Emergency Unemployment Compensation Program began in November 1991. In Philadelphia, unemployment is up by 2.2 percent since 1991.

The bad news is that the Nation's employers are in a cost-cutting frenzy. In their zeal to dig out of the recession, employers are laying off workers at an unusual rate.

I agree with Labor Secretary Robert B. Reich, who stated, "For Americans to compete solely on the basis of costs is for us to become contestants in a vain race to the bottom."

We must lift up our citizens. We must put Americans to work in stable, full-time jobs, at livable wages. We must develop a policy and programs that allow anyone who wants to work the opportunity to do so.

It is for that reason, that I introduced the Full Employment Act of 1994, and I invite each of you here today to join me in pushing for a full employment economy. We must put Americans to work.

In the meantime, we must deal with the reality of joblessness now. I agree with President Truman who, on one occasion noted that, "It's a recession when your neighbor loses his job, but, it's a depression when you lose your job."

The economy needs immediate repair. We must extend the unemployment program, but we should do it in a way that preserves dignity.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is day 33 for Americans who are unemployed who are waiting for benefits, being held hostage by the special interests of the Democratic Party.

For the first 16 days of the hostage crisis in this country, they were held hostage by a group of folks who wanted to preserve benefits to aliens in this country, welfare benefits; wanted to preserve the generous array of welfare benefits to people who were sponsored to come into this country by people of means who brought their relatives over here and were able and continue to be able to provide for them. They wanted to make sure that those people were able to get welfare benefits.

Now we have, for the additional 17 days, a hostage crisis based upon a special group of unionized employees whose jobs want to be protected. Let us start worrying about the rest of America out there that we are supposed to be here to represent, the unemployed workers, the people who want an opportunity to get back on their feet.

□ 1330

Let us pass this motion and let us move forward. Get this bill enacted into law.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, it is important to focus on what this debate is about. We are talking here about means, not ends. And when the goal is efficiency, means is the ballgame.

The Senate amendment disrupts, and I believe actually jeopardizes the administration's very responsible effort to achieve major reductions in the Government personnel it seeks. The National Performance Review established a strong and totally unprecedented goal. But it provided guidelines on streamlining that ensure a Government that works better as well as costs less.

Vice President GORE's National Performance Review directs agencies to reduce layers of management, close or consolidate field offices, make greater use of new technology and reduce red-tape. President Clinton has directed agency heads to develop and submit to OMB their streamlining plans to address these important objectives by December 1. The implementation of these plans will enable agencies to downsize without jeopardizing productivity.

There is a difference between deficit-reduction downsizing and efficiency downsizing. This Government has never done efficiency downsizing before. The deficit reduction goal is already locked into our budget. This amendment does not concern deficit reduction. These are reductions based on the tougher standard of efficiency.

Simply cutting people to save money or meet quotas is far easier than using a scalpel to achieve cuts that meet the efficiency goal. Mandating fixed Governmentwide reductions in employment ceilings will handcuff the agencies' ability to downsize in a rational manner that ensures the continued fulfillment of their missions. Fixed ceilings will lead to haphazard quota-driven cuts which retard rather than produce efficiency. This is not how to produce a Government that works better.

Importantly, Mr. Speaker, the NPR calls for the decentralization of personnel management and gives agencies greater flexibility to make decisions in this area. Governmentwide personnel ceilings take us in the opposite direction.

The OMB and OPM would have to constantly monitor and manipulate individual agency personnel levels in order to ensure that the Governmentwide ceiling is met. This makes for more bureaucracy and redtape, not less.

I strongly urge all of my colleagues to oppose the Archer motion. Let the President get the personnel reductions he seeks in a rational and well-planned way.

Mr. ARCHER. Mr. Speaker, I have only one remaining speaker and I reserve the right to close.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, this amendment epitomizes what is the worst about the Congress and the way we act. We find ways to take the cheap way out, to avoid responsibility for making tough decisions, for being held accountable.

What we are suggesting in this amendment is that we cut a quarter of a million Federal employees without having any idea of what impact that is going to have upon the very Federal programs that we have created, what impact it is going to have on our constituents. But we are going to go out there, and we are going to take credit for cutting 252,000 people and saving billions of dollars. And we will not have to take the blame for any of the problems that our Social Security recipients encounter, any of the people that are dependent upon the administration of unemployment compensation or employment training, or fighting forest fires, or maintaining parklands or anything else, because that is not our responsibility. We cut a quarter of a million people and save billions of dollars.

We have no idea what the impact of our decision will be. How irresponsible.

I believe that we probably could eliminate from the Federal work force 252,000 people, but not by taking the easy way out. What we would have to do is to identify those programs that

can be cut, eliminate the program managers that are not necessary, eliminate some of the auditors and the accountants and the quality control people, the people that are there because of our congressional oversight that we mandated be put into that office to make sure that the Federal employees are not allowed to make any mistakes. That is why our Federal employment work force has grown so.

Do Members know that if we were to cut these 252,000 it would bring us down to a Federal work force of about what we had in 1963? But in 1963 the Federal budget was \$135 billion. Today it is \$1.5 trillion. In 1963, 14.2 percent of the Federal budget was Federal employees. Today it is half of that.

What we have done is to force upon the executive branch the requirement to carry out programs to appease every constituent group and to make sure that they do not make any mistakes by keeping the auditors and the accountants and the budget analysts looking over their shoulder. If we want to reform Government, let us do it. Let us find what programs are not necessary, but not this kind of easy way out.

The other thing that is going to happen is that the only people who are going to take advantage of the early retirement options are the people with mobility, the people that can find jobs in the private sector, the very people we need to keep in the Federal Government. The people that are going to stay are the people who need the employment security, that are not going to carry with them the kinds of education and skills necessary for the outside work force. So what is going to happen is those people, if we require a quarter of a million reduction, are going to bump people underneath them, and that person underneath them bumps the next person. And what we will wind up with is having people being overpaid for jobs that are not challenging them, not taking advantage of their education and their skills, and the very people that we are probably getting the most from, who are the most underpaid, who were most recently hired, they are the ones who are going to lose their jobs. And those jobs are going to be filled by people getting higher pay with less responsibility.

This is an irresponsible amendment. It is typical of the worst ways that the Congress acts.

If we want to get tough, let us make the tough decisions. Let us show some courage, and let us do this in a responsible way.

Mr. CLAY. Mr. Speaker, I yield myself what time I may consume.

Mr. Speaker, let me reiterate the statement of the last speaker. This amendment is irresponsible, and in addition to that it is mischievous.

Let me say that the President has worked in an orderly fashion toward reducing the work force by 252,000. He

has instructed each member of the Cabinet to come up with a plan by December 1 to say when, where and how this Government will be reduced.

What is being done now by this amendment is forcing the agencies of government, putting them in a position where they have no flexibility at all.

Let me give an example of what this amendment will do. If the IRS, for instance, determined that they had 450 more examiners than they needed, but they had 200 less auditors than they were required to have or should have in order to increase the efficiency in their collections, if they fired 400 or 350 examiners they would not be able then to hire the 200 auditors that they needed until they reached this level, this ceiling that they are imposing on the Federal Government. I think that is mischievous, and I think it is irresponsible, and I encourage the Members of this House to reject the amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is very interesting to listen to the Democrat side of the aisle in effect say that their executive branch, their Vice President, is mischievous, irresponsible, and has pulled numbers out of a hat.

□ 1340

In effect, they are saying they are going to give a vote of "no confidence" to their own administration. After all, it will be their administration that will implement these caps, that will determine who is left out by attrition, what job vacancies remain because of attrition, who ultimately will bear the brunt of this downsizing. It will not be arbitrary. They will make that decision through OMB in conjunction with the Office of Personnel Management. They say, "We have no confidence in our team," and yet here we are on the Republican side attempting on a bipartisan basis to work with the administration on its recommendations as we are doing on NAFTA, to try to make this Congress work in the way that the American people would like to see it work. We hear negativism on the Democratic side. We hear, "We will put the pig in the sty, but give us time to grease it before you go after it. That's the old greased-pig phenomenon, where you cannot catch it and you cannot pin it down. We want to put teeth into the President's and Vice President's recommendations."

Mr. Speaker, a vote for this motion is a vote for the American people, for those who believe in cutting Government down to size in a way that private industry has had to reduce its size. Private industry has had to face profit or loss—and they had no choice. They could not get out with the greased-pig syndrome and we should not do that in Government either.

I urge my colleagues to vote for this motion to instruct which will accelerate the ultimate passage of this bill and which will give the American taxpayers, finally, some relief from an overburdened Federal bureaucracy.

Mr. MICHEL. Mr. Speaker, I rise today in support of the motion to instruct conferees to accept the Senate amendment to H.R. 3167 which would implement the Federal employment reductions as proposed by Vice President GORE's National Performance Review.

This amendment, adopted by a significant majority in the other body, would require that full-time equivalent positions within the Federal Government be reduced by 252,000 from the fiscal year 1993 through fiscal year 1999.

The definition of full-time equivalent positions in this amendment is the existing statutory definition of civilian Federal employment. This is also the definition used in the National Performance Review recommendation.

Under this definition, all non-Postal, civilian employees of the executive branch are covered under these year-by-year employment caps.

The specific levels reflected in these caps are the levels for fiscal years 1994 and 1995, as specified in President Clinton's fiscal year 1994 budget submission.

The remaining cuts needed to reach the 252,000 reduction, are allocated equally among the following 4 years.

The employment reductions necessary to reach these employment caps shall be made by the President, through the Office of Management and Budget, in consultation with the Office of Personnel Management.

The employment caps would be enforced by a governmentwide hiring freeze in any quarter when the Federal employment caps are exceeded.

The hiring freeze would remain in place until Federal employment is reduced below the cap level.

According to the Congressional Budget Office, this amendment would provide budget savings of over \$21 billion by fiscal year 1998.

Of course, there would be additional savings because this amendment caps employment through fiscal year 1999.

Mandating the President's proposal to reduce Federal civilian personnel by 252,000 would result in significant budgetary savings.

I urge my colleagues to vote to instruct the House conferees to accept this Senate amendment to implement a major portion of the administration's National Performance Review.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to support the motion by Mr. ARCHER to accede to a Senate amendment that would require a reduction of the Federal work force by 252,000.

As my colleagues are aware, in September the National Performance Review and the White House recommended reducing the Government's work force over 5 years by 252,000. By doing so, the White House recognized what many people have already acknowledged; That the Federal work force has grown too big and inefficient and is in need of reform.

Congress will soon be asked to authorize a major buyout program to implement this reduction program. However, that legislation will

not specify the target of 252,000 Federal employees for these buyouts. By passing this motion, Congress can codify the goal of cutting 252,000 Federal employees that was first proposed by the White House.

Earlier this year, I introduced H.R. 3086, the Government Employee Limitation Act. This bill established a schedule by which the Government would reduce its work force by 252,000. In addition, it would have reduced the maximum number of permanent staff allowed for Members of Congress from 18 to 16. This motion would carry the substance of H.R. 3086 into law.

Mr. Speaker, putting the goal of reducing the Federal work force by 252,000 into law sends an important message that Congress is finally serious about reducing the deficit. The National Performance Review claims that the Federal Government can save over \$40 billion in 5 years if the Federal work force is reduced by 252,000. It's high time Congress started to trim the bloat out of the Federal bureaucracy. Therefore, I urge my colleagues to vote for the Archer motion.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas [Mr. ARCHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 146, not voting 12, as follows:

[Roll No. 544]

YEAS—275

Allard	Brewster	Cox
Andrews (TX)	Brooks	Cramer
Archer	Browder	Crane
Armey	Brown (CA)	Crapo
Bacchus (FL)	Brown (OH)	Cunningham
Bacchus (AL)	Bryant	Danner
Baker (CA)	Bunning	Darden
Baker (LA)	Burton	Deal
Ballenger	Buyer	DeLay
Barca	Callahan	Derrick
Barclay	Calvert	Deutsch
Barrett (NE)	Camp	Diaz-Balart
Barrett (WI)	Canady	Dickey
Bartlett	Cantwell	Doolittle
Barton	Castle	Dornan
Bateman	Chapman	Dreier
Bereuter	Clinger	Duncan
Bevill	Coble	Dunn
Blirakis	Collins (GA)	Durbin
Bliley	Combust	Edwards (TX)
Blute	Condit	Emerson
Boehlert	Cooper	English (AZ)
Boehner	Coppersmith	English (OK)
Bonilla	Costello	Everett

Ewing	Lambert	Reed
Fawell	LaRocco	Regula
Fields (TX)	Laughlin	Ridge
Fingerhut	Lazio	Roberts
Fish	Leach	Roemer
Fowler	Lehman	Rogers
Franks (CT)	Levin	Rohrabacher
Franks (NJ)	Levy	Ros-Lehtinen
Frost	Lewis (CA)	Roth
Gallely	Lewis (FL)	Roukema
Gallo	Lightfoot	Rowland
Gekas	Linder	Royce
Geren	Lipinski	Sangmeister
Gilchrest	Livingston	Santorum
Gillmor	Lloyd	Sarpalius
Gilman	Long	Saxton
Gingrich	Machtley	Schaefer
Glickman	Manzullo	Schenk
Goodlatte	Margolies	Schiff
Goodling	Mezvinsky	Schumer
Gordon	Martinez	Sensenbrenner
Goss	Mazzoli	Sharp
Grams	McCandless	Shaw
Grandy	McCollum	Shays
Greenwood	McCrery	Shepherd
Gunderson	McCurdy	Shuster
Gutierrez	McDade	Siskisky
Hall (TX)	McHale	Skeen
Hamilton	McInnis	Skelton
Hancock	McKeon	Slattery
Hansen	McMillan	Smith (NJ)
Harman	McNulty	Smith (OR)
Hastert	Meehan	Smith (TX)
Hayes	Meyers	Snowe
Hefley	Mica	Solomon
Herger	Michel	Spence
Hinchey	Miller (FL)	Spratt
Hoagland	Minge	Stearns
Hobson	Molinar	Stenholm
Hoekstra	Montgomery	Strickland
Hoke	Moorhead	Stump
Holden	Myers	Stupak
Horn	Neal (MA)	Sundquist
Houghton	Neal (NC)	Swett
Huffington	Nussle	Talent
Hunter	Ortiz	Tanner
Hutchinson	Orton	Tauzin
Hutto	Oxley	Taylor (MS)
Hyde	Packard	Taylor (NC)
Inglis	Pallone	Tejeda
Inhofe	Parker	Thomas (CA)
Inslee	Pastor	Thomas (WY)
Istook	Paxon	Thurman
Jacobs	Payne (VA)	Torkildsen
Johnson (CT)	Penny	Torricelli
Johnson (GA)	Peterson (MN)	Upton
Johnson, Sam	Petri	Valentine
Johnston	Pickle	Vucanovich
Kaptur	Pombo	Walker
Kasich	Pomeroy	Walsh
Kim	Porter	Weldon
King	Portman	Wilson
Kingston	Poshard	Wolf
Klecza	Pryce (OH)	Woolsey
Klug	Quillen	Young (AK)
Knollenberg	Quinn	Young (FL)
Kolbe	Ramstad	Zeliff
Kyl	Ravenel	Zimmer

NAYS—146

Abercrombie	Coyne	Green
Ackerman	de la Garza	Hall (OH)
Andrews (ME)	DeFazio	Hastings
Andrews (NJ)	DeLauro	Hefner
Applegate	Dellums	Hilliard
Barlow	Dicks	Hochbrueckner
Becerra	Dingell	Hoyer
Bentley	Dixon	Hughes
Bishop	Edwards (CA)	Jefferson
Blackwell	Engel	Johnson (SD)
Bonior	Eshoo	Johnson, E.B.
Borski	Evans	Kanjorski
Boucher	Farr	Kennedy
Brown (FL)	Fazio	Kennelly
Byrne	Fields (LA)	Kildee
Cardin	Flner	Klein
Carr	Foglietta	Klink
Clay	Ford (MI)	Kopetski
Clayton	Ford (TN)	Kreidler
Clement	Frank (MA)	LaFalce
Clyburn	Furse	Lantos
Coleman	Gejdenson	Lewis (GA)
Collins (IL)	Gephardt	Lowe
Collins (MI)	Gibbons	Maloney
Conyers	Gonzalez	Mann

Manton	Pelosi	Swift
Markey	Peterson (FL)	Synar
Matsui	Pickett	Thompson
McCloskey	Price (NC)	Thornton
McDermott	Rahall	Towns
McKinney	Rangel	Trafcant
Meek	Reynolds	Tucker
Menendez	Richardson	Unsoeld
Mfume	Rose	Velazquez
Miller (CA)	Rostenkowski	Vento
Mineta	Roybal-Allard	Visclosky
Mink	Rush	Volkmer
Moakley	Sabo	Washington
Mollohan	Sanders	Waters
Moran	Sawyer	Watt
Murphy	Schroeder	Waxman
Murtha	Scott	Wheat
Nadler	Serrano	Whitten
Natcher	Skaggs	William
Oberstar	Slaughter	Wise
Obey	Smith (IA)	Wyden
Olver	Stark	Wynn
Owens	Stokes	Yates
Payne (NJ)	Studds	

NOT VOTING—12

Baessler	Dooley	McHugh
Bellenson	Flake	Morella
Berman	Hamburg	Smith (MI)
Bilbray	Lancaster	Torres

□ 1407

Messrs. RANGEL, RUSH, FRANK of Massachusetts, and GONZALEZ changed their vote from "yea" to "nay."

Messrs. ROWLAND, PETRI, INSLEE, BROWN of Ohio, PALLONE, COSTELLO, BILIRAKIS, and PASTOR, Ms. ENGLISH of Arizona, Ms. CANTWELL, Messrs. REED, DARDEN, and McNULTY, and Ms. LAMBERT changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Without objection, the Chair appoints the following Members to the conference committee:

From the Committee on Ways and Means, for consideration of the House bill, and Senate amendment No. 2, and modifications committed to conference: Messrs. ROSTENKOWSKI, FORD of Tennessee, and ARCHER.

From the Committee on Post Office and Civil Service, for consideration of Senate amendment No. 1, and modifications committed to conference: Messrs. CLAY, MCCLOSKEY, and MYERS of Indiana.

There was no objection.

MARITIME SECURITY AND COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 289, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2151.

□ 1409

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, with Ms. BYRNE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, November 3, 1993, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Security and Competitiveness Act of 1993".

□ 1410

Mr. STUDDS. Madam Chairman, I move to strike the last word.

Madam Chairman, I take this time to advise Members of our intention, or perhaps I should say, our hopes, speaking on behalf of the ranking minority member, the gentleman from Texas [Mr. FIELDS], and myself. While this is a long and complex and important piece of legislation and we are aware of a number of amendments, we are at the moment aware of only one amendment likely to engender a considerable debate and controversy, and it is our hope that we have begun initial discussions with the authors of that amendment, in this case the gentleman from Minnesota and the gentleman from Iowa, and that we might be able to reach a mutual agreement with regard to a time limitation on that amendment.

I rise to inform Members that if we are able to do that—and there really is no reason we ought not be able to do that—if we are able to do that, we ought to be able to conclude this bill not only before the intended goal of rising this evening at 6 but, at the risk of sounding hallucinatory to my colleagues, I think we might even be able to get Members free earlier than that if we all exercise a little bit of self-restraint in terms of the numbers or words and syllables which we use.

Madam Chairman, I urge the Members to bear that in mind. There is every reason to be hopeful that we can move with some expeditiousness on this bill.

The CHAIRMAN. The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSE OF THE MERCHANT MARINE ACT, 1936.

Section 101 of the Merchant Marine Act, 1936, (46 App. U.S.C. 1101) is amended to read as follows:

"SEC. 101. FOSTERING DEVELOPMENT AND MAINTENANCE OF MERCHANT MARINE.

"The Secretary of Transportation shall carry out this Act in a manner that ensures the existence of an operating fleet of United States documented vessels that is—

"(1) sufficient to carry the domestic waterborne commerce of the United States and a substantial portion of the waterborne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of such domestic and foreign waterborne commerce at all times;

"(2) adequate to serve as a naval auxiliary in time of war or national emergency;

"(3) owned and operated by citizens of the United States, to the extent practicable;

"(4) composed of the best-equipped, safest, and most modern vessels;

"(5) manned with the best trained and efficient personnel who are citizens of the United States; and

"(6) supplemented by modern and efficient United States facilities for shipbuilding and ship repair."

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. MARITIME SECURITY FLEET PROGRAM.

(a) The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by inserting after title III the following new title:

"TITLE IV—MARITIME SECURITY FLEET PROGRAM

"SEC. 401. ESTABLISHMENT OF MARITIME SECURITY FLEET.

"The Secretary of Transportation shall establish a fleet of active commercial vessels to enhance seafaring capabilities and maintain a presence in international commercial shipping of United States documented vessels. The fleet shall be known as the 'Maritime Security Fleet'."

"SEC. 402. COMPOSITION OF FLEET.

"The Fleet shall consist of privately owned United States documented vessels for which there are in effect operating agreements."

"SEC. 403. VESSELS ELIGIBLE FOR ENROLLMENT IN FLEET.

"(a) IN GENERAL.—A vessel is eligible to be enrolled in the Fleet if the Secretary decides, in accordance with this section, that it is eligible. The Secretary may decide whether a vessel is eligible to be enrolled in the Fleet only pursuant to an eligibility decision application submitted to the Secretary by the owner or operator of the vessel. The Secretary shall make such a decision by not later than 90 days after the date of submission of an eligibility decision application for the vessel by the owner or operator of the vessel."

"(b) VESSEL ELIGIBILITY, GENERALLY.—Except as provided in subsection (c), the Secretary shall decide that a vessel is eligible to be enrolled in the Fleet if—

"(1) the person that will be the contractor with respect to an operating agreement for the vessel agrees to enter into an operating agreement with the Secretary for the vessel under section 404;

"(2) the person that will be a contractor with respect to an operating agreement for the vessel is a citizen of the United States;

"(3)(A) the vessel is a United States documented vessel on May 19, 1993;

"(B) the vessel is—

"(i) in existence on May 19, 1993;

"(ii) a United States documented vessel after May 19, 1993; and

"(iii) not more than 10 years of age on the date of that documentation;

"(C) the vessel is built and, if rebuilt, rebuilt in a United States shipyard;

"(D) the vessel is built in a shipyard that is not a foreign subsidized shipyard under a contract entered into before May 19, 1993;

"(E)(i) the vessel is built in a foreign shipyard under a contract entered into on or before May 19, 1993; and

"(ii) the owner has contracted to build another vessel for enrollment in the Fleet in a United States shipyard that will be delivered within 30 months after the effective date of an operating agreement for the vessel referred to in clause (i), or the Secretary finds and certifies in writing that a United States shipyard cannot sell a vessel to the owner at the world price due to the unavailability of series transition payments under title XIV to build that vessel; or

"(F)(i) the vessel is built under a contract entered into after May 19, 1993;

"(ii) the proposed owner of the vessel solicited nationwide bids for at least 6 months to build the vessel in a United States shipyard;

"(iii) the Secretary finds and certifies in writing that a United States shipyard cannot sell a vessel to the proposed owner at the world price due to the unavailability of series transition payments under title XIV to build that vessel;

"(iv) the vessel is delivered from the foreign shipyard within 30 months after the Secretary's certification under clause (iii); and

"(v) the vessel is substantially the same type and design as the vessel described in the solicitation made under clause (ii); and

"(4) the vessel is self-propelled and is—
"(A) a container vessel with a capacity of at least 750 Twenty-foot Equivalent Units;

"(B) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 Twenty-foot Equivalent Units;

"(C) a LASH vessel with a barge capacity of at least 75 barges;

"(D) a vessel subject to a contract under title VI on May 19, 1993; or

"(E) any other type of vessel that is determined by the Secretary to be suitable for use by the United States for national defense or military purposes in time of war or national emergency.

"(C) DETERMINATIONS OF ELIGIBILITY.—

"(1) DETERMINATIONS REQUIRED.—The Secretary shall make determinations under subsection (b) for each vessel for which an eligibility decision application is submitted under this section.

"(2) DETERMINATION REGARDING CERTIFICATION.—The Secretary shall—

"(A) make the finding and certification under paragraph (3)(E)(i) for a vessel, or determine not to, by not later than 60 days after the date of receipt of an eligibility decision application for the vessel; and

"(B) make the finding and certification under paragraph (3)(F)(iii) for a vessel, or determine not to, by not later than 60 days after the closing date of the solicitation pursuant to paragraph (3)(F)(ii) for the vessel.

"(3) WRITTEN EXPLANATION.—The Secretary shall provide to the person that submits an eligibility application for a vessel a written explanation of any decision that the vessel is not eligible for enrollment in the Fleet.

"(d) LIST OF ELIGIBLE VESSELS.—

"(1) IN GENERAL.—The Secretary shall maintain a list of vessels that the Secretary decides in accordance with this section are eligible to be enrolled in the Fleet.

"(2) REMOVAL OF VESSELS FROM LIST.—The Secretary shall remove a vessel from the list maintained under this subsection, and the vessel shall not be an eligible vessel for purposes of this title—

"(A) at any time that the conditions for eligibility under subsection (b) are not fulfilled for the vessel; or

"(B) if the status of the person who submitted an eligibility decision application for the vessel, as owner or operator of the vessel, changes and after that change—

"(i) the owner or operator of the vessel fails to submit a new eligibility decision application for the vessel; or

"(ii) such an application is not approved by the Secretary.

"SEC. 404. OPERATING AGREEMENTS, GENERALLY.

"(a) REQUIREMENT FOR ENROLLMENT OF VESSELS.—A vessel may be enrolled in the Fleet only if it is an eligible vessel for which the owner or operator of the vessel applies for and enters into an operating agreement with the Secretary under this section.

"(b) PRIORITY FOR AWARDED AGREEMENTS.—Subject to the availability of appropriations, the Secretary shall enter into operating agreements according to the following priority:

"(1) VESSELS OWNED BY CITIZENS.—

"(A) PRIORITY.—First, for any vessel that is—
"(i) owned and operated by persons who are citizens of the United States under section 2 of the Shipping Act, 1916; or

"(ii) less than 5 years of age and owned and operated by a corporation that is—

"(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(II) affiliated with a corporation operating or managing other United States documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense.

"(B) LIMITATION ON NUMBER OF OPERATING AGREEMENTS.—The total number of operating agreements that may be entered into by a person under the priority in subparagraph (A)—

"(i) for vessels described in subparagraph (A)(i), may not exceed the sum of—

"(I) the number of United States documented vessels the person operated in the foreign commerce of the United States (except mixed coastwise and foreign commerce) on January 1, 1993; and

"(II) the number of United States documented vessels the person chartered to the Secretary of Defense on that date; and

"(ii) for vessels described in subparagraph (A)(ii), may not exceed 4 vessels.

"(C) TREATMENT OF RELATED PARTIES.—For purposes of subparagraph (B), a related party with respect to a person shall be treated as the person.

"(2) OTHER VESSELS OWNED BY CITIZENS AND GOVERNMENT CONTRACTORS.—To the extent that amounts are available after applying paragraph (1), any vessel that is—

"(A) owned and operated by—

"(i) citizens of the United States under section 2 of the Shipping Act, 1916, that have not been awarded an operating agreement under the priority established under paragraph (1); or

"(ii)(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(II) affiliated with a corporation operating or managing other United States documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense; and

"(B) on the list maintained under section 403(d).

"(3) OTHER VESSELS.—To the extent that amounts are available after applying paragraphs (1) and (2), any vessel that is—

"(A) owned and operated by a person that is eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(B) on the list maintained under section 403(d).

"(c) AWARD OF AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall award operating agreements within each priority under subsection (b) (1), (2), and (3) under regulations prescribed by the Secretary.

"(2) NUMBER OF AGREEMENTS AWARDED.—Regulations under paragraph (1) shall provide that if appropriated amounts are not sufficient for

operating agreements for all vessels within a priority under subsection (b) (1), (2), or (3), the Secretary shall award to each person submitting a request a number of operating agreements that bears approximately the same ratio to the total number of vessels in the priority, as the amount of appropriations available for operating agreements for vessels in the priority bears to the amount of appropriations necessary for operating agreements for all vessels in the priority.

"(3) TREATMENT OF RELATED PARTIES.—For purposes of paragraph (2), a related party with respect to a person shall be treated as the person.

"(d) TIME LIMIT FOR DECISION ON ENTERING OPERATING AGREEMENT.—The Secretary shall enter an operating agreement for a vessel within 90 days after making the decision that the vessel is eligible to be enrolled in the Fleet under section 403(a).

"(e) EFFECTIVE DATE OF OPERATING AGREEMENT.—The effective date of an operating agreement may not be later than the later of—

"(1) the date the vessel covered by the agreement enters into the trade required under section 405(a)(1)(A);

"(2) the date the vessel covered by the agreement is withdrawn from an operating differential subsidy contract under title VI;

"(3) the date of termination of an operating differential subsidy contract under title VI that applies to the vessel; or

"(4) the date of the expiration or termination of a charter of the vessel to the United States Government that was entered into before the date of the enactment of the Maritime Security and Competitiveness Act of 1993.

"(f) EXPIRATION OF OFFERS FOR AGREEMENTS.—Unless extended by the Secretary, an offer by the Secretary to enter into an operating agreement under this section expires 120 days after the date the offer is made.

"(g) LENGTH OF AGREEMENTS.—An operating agreement is effective for 10 years from the effective date of the agreement.

"(h) REPAYMENT REQUIREMENTS.—

"(1) NONCOMPLIANCE.—A contractor that fails to comply with the terms of an operating agreement shall be liable to the United States Government for all amounts received by the contractor as payments for the vessel under this title with respect to the period of that noncompliance, and for interest on those amounts determined under paragraph (3).

"(2) FAILURE TO OPERATE REPLACEMENT VESSEL.—A contractor under an operating agreement that covers a vessel that is 25 or more years of age and that fails to replace the vessel as provided in section 405(a)(3) (A) or (B) shall be liable to the United States Government for all amounts received by the contractor as payments for the vessel under this title with respect to periods after the date the vessel becomes 25 years of age, and for interest on those amounts determined under paragraph (3).

"(3) DETERMINATION OF INTEREST.—Interest under paragraphs (1) and (2) shall be at an annual rate equal to 125 percent of the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for auctions of 3 month United States Treasury bills settled during the quarter preceding the date of the failure to comply or the failure to replace, respectively.

"(i) PROHIBITION ON AGREEMENTS FOR CERTAIN VESSELS.—The Secretary may not enter into an operating agreement for a vessel that is owned or operated by a person that was a contractor for the vessel under an operating agreement terminated under section 405(a)(10), before the end of the term of the agreement that was terminated.

"(j) BINDING OBLIGATION OF GOVERNMENT.—An operating agreement constitutes a contractual obligation of the United States Government

to pay the amounts provided for under that agreement.

"SEC. 405. TERMS OF OPERATING AGREEMENTS.

"(a) OPERATING AGREEMENT REQUIREMENTS.—An operating agreement shall, during the effective period of the agreement, provide the following:

"(1) OPERATION AND DOCUMENTATION.—The vessel covered by the operating agreement—

"(A) shall be operated in the foreign trade or domestic trade allowed under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code;

"(B) may not be operated in the coastwise trade of the United States or in mixed coastwise and foreign trade, except for coastwise trade allowed under a registry endorsement issued for the vessel under section 12105 of title 46, United States Code; and

"(C) shall be documented under chapter 121 of title 46, United States Code.

"(2) ANNUAL PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall pay the contractor, in accordance with this subsection, the following amounts for each fiscal year in which the vessel is operated in accordance with the agreement:

"(i) For fiscal year 1994, \$2,300,000.

"(ii) For each fiscal year thereafter, \$2,100,000.

"(B) LIMITATION.—The Secretary shall not pay any amount pursuant to this paragraph for any day in which the vessel is—

"(i) under a charter to the United States Government that was entered into before the date of the enactment of the Maritime Security and Competitiveness Act of 1993; or

"(ii) covered by an operating differential subsidy contract under title VI.

"(3) TERMINATION BASED ON AGE OF VESSEL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the operating agreement shall terminate on the later of—

"(i) the date the vessel covered by the agreement is 25 years of age; or

"(ii) the date the vessel covered by the agreement is 30 years of age, in the case of an agreement that covers a vessel that is repowered in a United States shipyard after the effective date of the operating agreement and before the vessel is 25 years of age.

"(B) EXCEPTION.—The operating agreement shall not terminate under subparagraph (A) if the contractor agrees to acquire a replacement for the vessel from among vessels on the list maintained under section 403(d), and—

"(i) in the case of a vessel to be replaced with a new vessel, the contractor enters into a binding contract with a shipyard that requires the shipyard to deliver the replacement vessel by not later than 30 months after the later of the date the operating agreement is entered into or the date the operating agreement would otherwise terminate under subparagraph (A); or

"(ii) in the case of a vessel to be replaced with an existing vessel, the contractor acquires the replacement vessel from among vessels on the list maintained under section 403(d), by not later than 12 months after the later of the date the operating agreement is entered into or the date the operating agreement would otherwise expire under subparagraph (A).

"(4) AVAILABILITY OF VESSEL.—

"(A) IN GENERAL.—On a request of the President during time of war or national emergency or when considered by the President, acting through the Secretary in consultation with the Secretary of Defense, to be necessary in the interest of national security, and subject to subparagraph (B), the contractor as soon as practicable shall, as specified by the Secretary—

"(i) make the vessel covered by the agreement available to the Secretary under a time charter; or

"(ii) provide space on the vessel covered by the agreement to the Secretary on a guaranteed basis.

"(B) CONDITION FOR CHARTER.—The Secretary shall allow a contractor to comply with this paragraph by providing space on a vessel under subparagraph (A)(ii) unless the Secretary determines that it is necessary in the interest of national security that the contractor make the vessel available under a time charter.

"(5) DELIVERY OF VESSEL.—The contractor shall deliver a vessel to the Secretary pursuant to a time charter under paragraph (4)(A)(i), as specified in the request for the vessel—

"(A) at the first port in the United States the vessel is scheduled to call after the date of receipt of the request;

"(B) at the port in the United States to which the vessel is nearest on the date of receipt of the request; or

"(C) in any other reasonable manner authorized by the agreement and specified in the request.

"(6) DELIVERY COSTS.—In addition to amounts paid under paragraph (2), the Secretary shall reimburse the contractor for costs incurred by the contractor in delivering the vessel covered by the agreement to the Secretary in accordance with the agreement.

"(7) COMPENSATION.—In addition to amounts paid under paragraph (2), the Secretary shall pay the contractor, as provided in the operating agreement, reasonable compensation at reasonable commercial rates for the period of time the vessel is chartered or the contractor provides space on the vessel under paragraph (4).

"(8) REQUIRED OPERATION.—

"(A) IN GENERAL.—A vessel covered by the operating agreement shall be operated in the trade required under paragraph (1), and under conditions eligible for payment under this title, for at least 320 days in a fiscal year, including days during which the vessel is dry-docked, surveyed, inspected, or repaired.

"(B) REDUCTION IN PAYMENTS.—If a vessel operates in the trade required under paragraph (1), and under conditions eligible for payment under this title, for less than the time required under subparagraph (A), the payments required under paragraph (2) shall be reduced on a pro rata basis to reflect the lesser time in that operation.

"(9) SUBSTITUTION OF VESSELS AUTHORIZED.—The contractor may substitute for the vessel covered by the agreement another vessel on the list maintained under section 403(d).

"(10) OTHER TERMINATION.—The operating agreement shall terminate if—

"(A) in the case of a vessel that transports less than 12,000 tons of bulk cargo under the agreement—

"(i) the vessel covered by the agreement is not operated under an operating agreement for one year; and

"(ii) a substitute for that vessel is not operated under the agreement during that year; or

"(B) the contractor notifies the Secretary that the contractor intends to terminate the agreement, by not later than 60 days before the effective date of the termination.

"(b) PAYMENTS.—

"(1) IN GENERAL.—The amount required to be paid by the Secretary each year to a contractor under an operating agreement pursuant to subsection (a)(2)—

"(A) shall be paid at a pro rated amount at the beginning of each month in equal installments; and

"(B) except as provided in paragraph (2), may not be reduced by reason of operation of the vessel covered by the agreement to carry civilian or military preference cargoes under—

"(i) section 901(a), 901(b), or 901b;

"(ii) section 2631 of title 10, United States Code; or

"(iii) the Act of March 26, 1934 (48 Stat. 500).

"(2) REDUCTION FOR PREFERENCE CARGO.—A contractor with respect to a vessel may not receive any payment under this title for any day in which the vessel is engaged in transporting more than 12,000 tons of preference cargo described in paragraph (1)(B) that is bulk cargo (as defined in section 3 of the Shipping Act of 1984).

"(c) REDELIVERY OF VESSELS.—The Secretary shall, upon the termination of the need for which a vessel is delivered under subsection (a)(4), return the vessel to the contractor—

"(1) at a place that is mutually agreed upon by the Secretary of Defense and the contractor; and

"(2) in the condition in which it was delivered to the Secretary, excluding normal wear and tear.

"(d) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any other person that is a citizen of the United States, after notification of the Secretary in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after the date of that notification. A transfer shall not be effective before the end of that 90-day period. A person to whom an agreement is transferred may receive payments from the Secretary under the agreement only if the vessel to be covered by the agreement after the transfer is on the list maintained under section 403(d).

"SEC. 406. NONCONTIGUOUS TRADE RESTRICTIONS.

"(a) PROHIBITION.—

"(1) IN GENERAL.—Except as provided in this section, a contractor may not receive any payment under this title—

"(A) if the contractor or a related party with respect to the contractor, directly or indirectly owns, charters, or operates a vessel engaged in the transportation of cargo in noncontiguous trade other than in accordance with a waiver under subsection (b), (c), or (d); or

"(B) if the contractor is authorized to operate a vessel in noncontiguous trade under such a waiver, and there is a—

"(i) material change in the domestic ports served by the contractor from the ports permitted to be served under the waiver;

"(ii) material increase in the annual number or the frequency of sailings by the contractor from the number or frequency permitted under the waiver; or

"(iii) material increase in the annual volume of cargo carried or annual capacity utilized by the contractor from the annual volume of cargo or annual capacity permitted under the waiver.

"(2) LIMITATIONS ON PROHIBITION.—Paragraph (1) applies to a contractor only in the years specified for payments under the operating agreement entered into by the contractor.

"(b) GENERAL WAIVER AUTHORITY.—

"(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive, in writing, the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection, unless the Secretary finds that—

"(A) the waiver would result in unfair competition to any person that operates vessels as a carrier of cargo in a service exclusively in the noncontiguous trade for which the waiver is applied;

"(B) subject to paragraph (6), existing service in that noncontiguous trade is adequate; or

"(C) the waiver will result in prejudice to the objects or policy of this title or Act.

"(2) TERMS OF WAIVER.—Any waiver granted by the Secretary under this subsection shall state—

"(A) the domestic ports permitted to be served;
 "(B) the annual number or frequency of sailings that may be provided; and

"(C)(i) the annual volume of cargo permitted,
 "(ii) for containerized or trailer service, the annual 40-foot equivalent unit shipboard container and trailer or vehicle or general cargo capacity permitted, or

"(iii) for tug and barge service, the annual barge house cubic foot capacity and the annual barge deck general cargo capacity, or 40-foot equivalent unit container, trailer, or vehicle capacity, permitted.

"(3) APPLICATIONS FOR WAIVERS.—An application for a waiver under this subsection may be submitted by a contractor and shall describe, as applicable, the nature and scope of—

"(A) the service proposed to be conducted in a noncontiguous trade under the waiver; or

"(B) any proposed material change or increase in a service in a noncontiguous trade permitted under a previous waiver.

"(4) ACTION ON APPLICATION AND HEARING.—

"(A) NOTICE AND PROCEEDING.—Within 30 days after receipt of an application for a waiver under this subsection, the Secretary shall—

"(i) publish a notice of the application; and
 "(ii) begin a proceeding on the application under section 554 of title 5, United States Code, to receive—

"(I) evidence of the nature, quantity, and quality of the existing service in the noncontiguous trade for which the waiver is applied;

"(II) a description of the proposed service or proposed material change or increase in a previously permitted service;

"(III) the projected effect of the proposed service or proposed material change or increase in existing service; and

"(IV) recommendations on conditions that should be contained in any waiver for the proposed service or material change or increase.

"(B) INTERVENTION.—An applicant for a waiver under this subsection, and any person that operates cargo vessels in the noncontiguous trade for which a waiver is applied and that has any interest in the application, may intervene in the proceedings on the application.

"(C) HEARING.—Before deciding whether to grant a waiver under this subsection, the Secretary shall hold a public hearing in an expeditious manner, reasonable notice of which shall be published.

"(5) DECISION.—The Secretary shall complete all proceedings and hearings on an application under this subsection and issue a decision on the record within 90 days after receipt of the final briefs submitted for the record.

"(6) LIMITATION ON CONSIDERATION OF CERTAIN EXISTING SERVICE.—

"(A) LIMITATION.—In determining whether to grant a waiver under this subsection for noncontiguous trade with Hawaii, the Secretary shall not consider the criterion set forth in paragraph (1)(B) if a qualified operator—

"(i) is a contractor, and

"(ii) operates 4 or more vessels in foreign commerce in competition with another contractor.

"(B) QUALIFIED OPERATOR.—In this paragraph, the term 'qualified operator' means a person that on July 1, 1992, offered service as an operator of containerized vessels, trailer vessels, or combination container and trailer vessels in noncontiguous trade with Hawaii and the Johnston Islands (including a related party with respect to the person).

"(C) WAIVERS FOR EXISTING NONCONTIGUOUS TRADE OPERATORS.—

"(1) IN GENERAL.—The Secretary shall waive the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection if the Secretary finds that the contractor, or a related party or predecessor in interest with respect to the contractor—

"(A) engaged in bona fide operation of a vessel as a carrier of cargo by water—

"(i) in a noncontiguous trade on July 1, 1992; or

"(ii) in furnishing seasonal service in a season ordinarily covered by its operation, during the 12 calendar months preceding July 1, 1992; and

"(B) has operated in that service since that time, except for interruptions of service resulting from military contingency or over which the contractor (or related party or predecessor in interest) had no control.

"(2) TERMS OF WAIVER.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the level of service permitted under a waiver under this subsection shall be the level of service provided by the applicant (or related party or predecessor in interest) in the relevant noncontiguous trade during, for year-round service, the 6 calendar months preceding July 1, 1992, or for seasonal service, the 12 calendar months preceding July 1, 1992, determined by—

"(i) the domestic ports called;

"(ii) the number of sailings actually made, except as to interruptions in the service in the noncontiguous trade resulting from military contingency or over which the applicant (or related party or predecessor in interest) had no control; and

"(iii) the volume of cargo carried or, for containerized or trailer service, the 40-foot equivalent unit shipboard container, trailer, or vehicle or general cargo capacity employed, or, for tug and barge service, the barge house cubic foot capacity and barge deck general cargo capacity or 40-foot equivalent unit container, trailer, or vehicle capacity, employed.

"(B) CERTAIN CONTAINERIZED VESSELS.—If an applicant under this subsection was offering service as an operator of containerized vessels in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection for the applicant shall permit a level of service consisting of—

"(i) 104 sailings each year from the West Coast of the United States to Hawaii with an annual capacity allocated to the service of 75 percent of the total capacity of the vessels employed in the service on July 1, 1992;

"(ii) 156 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual capacity allocated to the service of 75 percent of the total capacity of its vessels employed in the service on the date of the enactment of the Maritime Security and Competitiveness Act of 1993; and

"(iii) 103 sailings each year in each direction between Washington and Alaska with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its vessels employed in the service on July 1, 1992.

"(C) CERTAIN TUGS AND BARGES.—If an applicant under this subsection was offering service as an operator of tugs and barges in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection for the applicant shall permit a level of service consisting of—

"(i) 17 sailings each year in each direction between ports in Washington, Oregon, and Northern California and ports in Hawaii with an annual barge house cubic foot capacity and annual barge deck 40-foot equivalent unit container capacity in each direction of 100 percent of the total of the capacity of its vessels employed in the service during the 6 calendar months preceding July 1, 1992, annualized;

"(ii) 253 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual 40-foot equivalent unit container or trailer capacity equal to 100 percent of the capacity of its

barges employed in the service on the date of the enactment of the Maritime Security and Competitiveness Act of 1993;

"(iii) 37 regularly scheduled tandem tow rail barge sailings and 10 additional single tow rail barge sailings each year in each direction between Washington and the Alaskan port range between and including Anchorage and Whittier with an annual capacity allocated to the service in each direction of 100 percent of the total rail car capacity of its vessels employed in the service on July 1, 1992;

"(iv) 8 regularly scheduled single tow sailings each year in each direction between Washington and points in Alaska (not including the port range between and including Anchorage and Whittier, except occasional deviations to discharge incidental quantities of cargo) with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its vessels employed in the service on July 1, 1992; and

"(v) unscheduled, contract carrier tug and barge service between points in Alaska south of the Arctic Circle not served by the common carrier service permitted under clause (iii) and points in the contiguous 48 States, with an annual capacity allocated to that service not exceeding 100 percent of the total capacity of the equipment that was dedicated to service south of the Arctic Circle on July 1, 1992, and actually utilized in that service in the 2-year period preceding that date.

"(D) ANNUALIZATION.—Capacity otherwise required by this paragraph to be permitted under a waiver under this subsection shall be annualized if not a seasonal service.

"(E) ADJUSTMENTS.—

"(i) Each written waiver granted by the Secretary under this subsection shall contain a statement that the annual capacity permitted under this waiver in any direction shall increase for a calendar year by the percentage of increase during the preceding calendar year in the real gross product of the State or territory to which goods are transported in the noncontiguous trade covered by the waiver, or its equivalent economic measure as determined by the Secretary if the real gross product is not available, and that the increase shall not be considered to be a material change or increase for purposes of subsection (a)(1)(B).

"(ii) The increase in permitted capacity under clause (i) in the noncontiguous trade with Alaska shall be allowed only to the extent the operator actually uses that increased capacity to carry cargo in the permitted service in the calendar year immediately following the preceding increase in gross product. However, if an operator operating exclusively containerized vessels in that trade on July 1, 1992, carries an average loan factor of at least 90 percent of permitted capacity (including the capacity, if any, both authorized and used under the previous sentence) during 9 months of any one calendar year, than in the next following calendar year and thereafter, the requirement that additional capacity must be used in the immediately following year does not apply.

"(F) SERVICE LEVELS NOT INCREASED BY TERMINATION OF AGREEMENT.—The termination of an operating agreement under section 405(a)(10) shall not be considered to increase a level of service specified in subparagraph (A), (B), or (C) if the contractor under the agreement enters into another operating agreement after that termination.

"(3) APPLICATIONS FOR WAIVERS.—For a waiver under this subsection a contractor shall submit to the Secretary an application certifying the facts required to be found under paragraph (1) (A) or (B), as applicable.

"(4) ACTION ON APPLICATION.—

"(A) NOTICE.—The Secretary shall publish a notice of receipt of an application for a waiver

under this subsection within 30 days after receiving the application.

"(B) HEARING PROHIBITED.—The Secretary may not conduct a hearing on an application for a waiver under this subsection.

"(C) SUBMISSION OF COMMENTS.—The Secretary shall give every person operating a cargo vessel in a noncontiguous trade for which a waiver is applied for under this subsection and who has any interest in the application a reasonable opportunity to submit comments on the application and on the description of the service that would be permitted by any waiver that is granted by the Secretary under the application.

"(5) DECISION ON APPLICATION.—Subject to the time required for publication of notice and for receipt and evaluation of comments by the Secretary, an application for a waiver under this subsection submitted at the same time the applicant applies for inclusion of a vessel in the Fleet shall be granted in accordance with the level of service determined by the Secretary under this subsection by not later than the date on which the Secretary offers to the applicant an operating agreement with respect to that vessel.

"(6) CHANGE OR INCREASE IN SERVICE.—Any material change or increase in a service that is subject to a waiver under this subsection is not authorized except to the extent the change or increase is permitted by a waiver under subsection (b).

"(d) EMERGENCY WAIVER.—Notwithstanding any other provision of this section, the Secretary may, without hearing, temporarily waive the application of subsection (a)(1)(B) if the Secretary finds that a material change or increase is essential in order to respond adequately to (1) an environmental or natural disaster or emergency, or (2) another emergency declared by the President. Any waiver shall be for a period of not to exceed 45 days, except that a waiver may be renewed for 30-day periods if the Secretary finds that adequate capacity continues to be otherwise unavailable.

"(e) ANNUAL REPORT ON WAIVERS.—Each waiver under this section shall require the person who is granted the waiver to submit to the Secretary each year an annual report setting forth for the service authorized by the waiver—

"(1) the ports served during the year;

"(2) the number or frequency of sailings performed during the year; and

"(3) the volume of cargo carried or, for containerized or trailer service, the annual 40-foot equivalent unit shipboard container, trailer, or vehicle capacity utilized during the year, or for tug and barge service, the annual barge house and barge deck capacity utilized during the year.

"(f) DEFINITIONS.—In this section—

"(1) the term 'noncontiguous trade' means trade between—

"(A) a point in the contiguous 48 States; and

"(B) a point in Alaska, Hawaii, or Puerto Rico, other than a point in Alaska north of the Arctic Circle; and

"(2) the term 'related party' means—

"(A) a holding company, subsidiary, affiliate, or associate of a contractor; and

"(B) an officer, director, agency, or other executive of a contractor or of a person referred to in subparagraph (A).

"SEC. 407. OPERATING COMPETING FOREIGN VESSELS.

"(a) IN GENERAL.—Except as provided in this section, a contractor (including a related party with respect to a contractor) may not own, charter, or operate a foreign vessel in competition with a United States documented vessel.

"(b) EXCEPTION.—Subsection (a) does not apply to a foreign vessel if—

"(1)(A) the contractor has applied for an operating agreement for a vessel to be operated in the same service as the foreign vessel; and

"(B) the Secretary, due to the unavailability of funds, does not award an operating agreement to that contractor for a United States documented vessel for that service within 60 days after that application is submitted;

"(2) the Secretary, after notice and an opportunity for a hearing, under special circumstances, and for good cause shown, waives subsection (a) for the contractor for a specified period of time; or

"(3) the foreign vessel was operated by that contractor on August 5, 1993.

"SEC. 408. FUNDING FOR OPERATING AGREEMENTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary any amounts necessary to liquidate obligations under operating agreements.

"(b) TRANSFER OF BALANCES FROM OPERATING DIFFERENTIAL SUBSIDY PROGRAM.—Any amounts otherwise available for operating differential subsidy contracts under title VI that are no longer required for those contracts are available, until expended, for operating agreements.

"SEC. 409. DEFINITIONS.

"In this title:

"(1) CONTRACTOR.—The term 'contractor' means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary.

"(2) ELIGIBILITY DECISION APPLICATION.—The term 'eligibility decision application' means an application for a decision by the Secretary under section 403 that a vessel is eligible to be enrolled in the Fleet.

"(3) ELIGIBLE VESSEL.—The term 'eligible vessel' means a vessel that the Secretary decides under section 403 is eligible to be enrolled in the Fleet.

"(4) FLEET.—The term 'Fleet' means the Maritime Security Fleet established under section 402.

"(5) OPERATING AGREEMENT.—The term 'operating agreement' means an operating agreement entered into by the Secretary under section 404.

"(6) RELATED PARTY.—The term 'related party' means, with respect to a contractor or other person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, other executive, or agent of the person or of an entity referred to in paragraph (1).

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(8) UNITED STATES DOCUMENTED VESSEL.—The term 'United States documented vessel' means a vessel that is documented under chapter 121 of title 46, United States Code."

AMENDMENTS OFFERED BY MR. STUDDS

Mr. STUDDS. Madam Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. STUDDS: Page 40, strike line 13 and all that follows through line 16, and insert the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—For entering into operating agreements under this title there are authorized to be appropriated to the Secretary \$1,200,000,000 for fiscal year 1995. Amounts appropriated under this subsection shall remain available until expended."

Page 68, line 24, after "Transportation" insert ", in consultation with the heads of other appropriate agencies,".

Page 69, line 6, after "Secretary" insert ", in consultation with the heads of other appropriate agencies,".

On page 69, between lines 19-20, insert the following:

"(c) Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall take actions to ensure and maintain a significant increase of government-impelled cargo through Great Lake ports, through administrative waivers and action and through an exemption of cargo preference requirements."

Mr. STUDDS. Madam Chairman, this three-part amendment is quite simple. First, it establishes an overall cap of \$1.2 billion dollars on the amounts that may be appropriated in fiscal year 1995 for the Maritime Security Fleet Program. This is funding required for the entire 10 years of the maritime security fleet contracts.

When the Committee on Merchant Marine and Fisheries was marking up H.R. 2151 in August, the administration had not yet decided on a general approach or framework for maritime reform programs. Since that time, I have met with President Clinton, Secretary of Transportation Pena, and the Director of OMB, Leon Panetta.

The Clinton administration is strongly committed to a program to promote and preserve the U.S. merchant marine and recognizes the importance of our maritime industry to our national and economic security. When I met with the President, I promised him that I would not bring an open-ended bill to the floor. This amendment caps the total authorization of the 10 year MSF Program at \$1.2 billion, a level consistent with the administration's views.

Second, the amendment makes minor modifications to section 15 of the bill which were requested by the distinguished chairman of the Committee on Agriculture, Mr. DE LA GARZA. We believe these changes will ensure that the expertise of the Department of Agriculture and other Federal agencies will be drawn upon when the terms of ocean transportation of Government cargoes are determined.

Finally, the amendment ensures that maritime reform and revitalization touches all American ports and waterways by directing the Secretary of Transportation to increase shipments of Government cargoes through the Great Lakes.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi: Page 5, line 2, insert "or" after the semicolon.

Page 5, strike line 3 and all that follows through line 8.

Page 5, line 9, strike "(C)" and insert "(B)".

Page 5, line 10, insert "and" after the semicolon.

Page 5, strike line 11 and all that follows through page 6, line 16.

Mr. TAYLOR of Mississippi. Mr. Speaker, this is a made in America amendment.

This bill, though well intentioned is seriously flawed, because it would allow U.S. taxpayers funds to subsidize the operation of foreign built ships.

I hope to correct that. I want to send a clear message to our Nation's citizens and in particular, our Nation's shipowners that if funds are appropriated to subsidize the operation of their vessels that this Congress will only subsidize those vessels that are built in the United States.

For too long a U.S. flagged and taxpayer subsidized ship did not mean U.S. built ship. And that is wrong.

This measure, as introduced, would authorize the spending of \$1.2 billion of U.S. taxpayers dollars over the next 10 years to protect 4,800 merchant mariners who crew these ships.

This Congress will authorize that \$1,200,000,000 expenditure because it is vital to this island nation's defense to be able to supply this Nation in time of war or national emergency with ships we can count on.

However, this bill is flawed because this \$1.2 billion will do absolutely nothing for the 180,000 Pennsylvania steelworkers, Ohio engine manufacturers, California electrical workers, Illinois machinists or the shipbuilders, welders and pipefitters on the gulf coast, Atlantic or Pacific coasts of this country.

All they get is rhetoric—and empty, unfounded promises.

But we can and must change that.

This amendment will give each Member of Congress the opportunity to right that wrong.

This amendment will guarantee that from this day on, only those ships that are built in this country and crewed by our citizens will be worthy of a subsidy paid for by the citizens of this country.

Madam Chairman, I had intended to reserve 2 minutes in anticipation that the committee would come back and say, "Well, we have addressed your problems, Mr. TAYLOR." However, under this procedure I understand I cannot do that, so let me proceed.

In the bill, we say that only those ships that the Secretary of Transportation says we can buy, if there are no series transition payments in the budget, will be allowed into the fleet.

Madam Chairman, the appropriators have met, their bills are finished, and there is no money for series transition payments anywhere in the budget of the United States. They are holding out a false promise. They are making a bogus statement to the shipbuilders of America.

Madam Chairman, it is just not right to take the money of these people, to take the money of 180,000 people who beat their brains out in shipyards and steel mills every day and say, "We want to take your tax dollars and we are going to subsidize a ship built by your competitors." This is an "us-or-them" amendment. We can look out for our folks, the people who pay our salaries, the people who go to church with us, the people who go the school with us, or we can use this money to subsidize shipyards in Japan, Korea, Spain, and all around the world.

I ask my colleagues to do what is right for America. I ask my colleagues to vote for this amendment.

Mr. STUDDS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the amendment offered by the gentleman from Mississippi [Mr. TAYLOR] is essentially a cry of the heart, but it is a misdirected cry. The gentleman offered this amendment in committee, and it was resoundingly defeated, not because we did not agree with the intention of the gentleman but because his amendment would not achieve his intention.

It is portrayed as an effort on behalf of American shipyards. No one in this Chamber cares more about or would do more to bring shipbuilding back to American shipyards than this Member. Much of what I do every day is trying to bring back to life a shipyard in my own constituency.

Madam Chairman, this bill tries to revive and revivify, if you will, a U.S.-flag-operating fleet and to bring back to life a U.S. shipbuilding industry. They are related, but they are separate challenges.

In the defense authorizing and appropriating bills we have title 11 loan guarantees. The gentleman is correct in that. It is real money, and it will be available. The gentleman is also correct in saying that we do not yet have the series transition payments. That is because they are not in this bill and we are about to authorize them. We do not have the operating subsidies either, but they are in the bill and we are about to authorize them.

Let me remind the Members that our bill prohibits U.S. operators from buying foreign-built vessels until the proposed owner solicits bids from U.S. yards for a period of at least 6 months and the Secretary of Transportation finds and certifies in writing that a U.S. shipyard cannot sell a vessel to a proposed owner at the world price due to the unavailability of series transition payments.

□ 1420

In simple English, what that says is if, no matter what else we have tried to do, there is still no way in which the U.S. shipyard can do this, that, nonetheless, we will not hold hostage the U.S. operating fleet, and will allow these subsidies to go ahead.

The amendment of the gentleman from Mississippi [Mr. TAYLOR] will not result in one additional ship being built in a U.S. shipyard. Thus, owners, under his amendment, would continue to build ships in foreign shipyards, but they would also register their vessels under foreign flags, and we will be losers on both parts.

Madam Chairman, let me point out that this amendment, which is, and I acknowledge the concern of the gentleman, he has the same passion that I do on this subject, and I hope that there will come a time within our political lifetimes that we can stand here together and celebrate the rebirth of American shipbuilding. This amendment is opposed by the Shipbuilders Council of America, who understand and acknowledge, both as I do, the spirit of the gentleman from Mississippi [Mr. TAYLOR] and the spirit in which this amendment is offered, and the fact of life, which is, quite simply, that this will not result in another ship being built in a U.S. yard.

Now, if the shipbuilders themselves oppose an amendment that is offered in their name and supposedly for their sake, it ought to be a sobering reminder to us that the real world is, unfortunately, a little more complicated than we would wish.

I would ask the House, for the very same reason that a bipartisan majority of the Committee on Merchant Marine and Fisheries, every one of whom shares the passion of the gentleman with regard to U.S. shipbuilding, that we must reject this amendment.

Mr. TAYLOR of Mississippi. Madam Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Chairman, I appreciate the gentleman yielding.

Madam Chairman, I would like to point out a couple things. By the chairman's own admission, the administration has agreed to help find the funds to take care of the operating subsidies. The administration has made no such promise to help out with the series transition payments, so once again it is an empty promise.

By the gentleman's own correct admission, seven guys in thousand-dollar suits who call themselves the Shipbuilders Council have agreed and signed off on the bill. But I would dare say that the 190,000 people who work in the shipyards and foundries and engine manufacturers across this country would take great offense to the idea of spending their tax dollars on a foreign built ship.

Mr. STUDDS. Madam Chairman, let me reclaim my time, if I may.

I would say to the gentleman that those folks who work in the shipyards would be a great deal more appreciative of a ship to be built than an amendment to be spoken of.

Mr. FIELDS of Texas. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi [Mr. TAYLOR], a hard-working and respected member of the Merchant Marine and Fisheries Committee.

Our committee carefully considered this amendment when Mr. TAYLOR offered it during the mark up of H.R. 2151 and we overwhelmingly rejected it.

This amendment would permit only those existing foreign-built vessels that are receiving an operating-differential subsidy, to participate in the new Maritime Security Fleet [MSF] Program which is created by H.R. 2151.

For several years, our committee has attempted to find ways to encourage American companies to obtain U.S.-built vessels. Due in large part to the fact that foreign nations have continued to subsidize their shipbuilding companies, American shipyards have been unable to penetrate the worldwide market for the construction of commercial vessels. As a result, the cost of building a world-class containership in an American shipyard is currently several times more than a comparable vessel built in a foreign subsidized yard. In addition, it takes at least twice as long to build one of these vessels in an American shipyard.

The Committee on Merchant Marine and Fisheries is cognizant of this problem, attempted to address it by establishing the Series Transition Payment [STP] Program. These payments are designed to assist American shipyards to convert from their past practice of exclusively building Navy vessels to the constructing of commercial vessels. We think there is money available for this program.

As a result of our committee's concerns with the very issues that Mr. TAYLOR has articulated, we believe that we have taken the most logical, and appropriate steps toward providing help to the American shipbuilding industry. In fact, the Shipbuilders Council has endorsed this legislation and supports H.R. 2151 without the Taylor amendment.

This amendment would undermine the entire concept contained in H.R. 2151, which is to assure that American ship operators are able to continue to be competitive in international shipping and will remain under the U.S. flag for both economic and national defense purposes.

I am very much afraid that if this amendment were to be adopted by this body, it would result in all American flag companies simply throwing in the towel and requesting permission to reflag the entire fleet of vessels operating in the international trade. That, of course, is the exact opposite of what is the fundamental purpose of H.R. 2151.

I urge the Members of this body to vote "no" on the Taylor amendment

which will do great harm to this legislation.

Mr. TAYLOR of Mississippi. Madam Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I will be glad to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Chairman, I want to thank the gentleman from Texas [Mr. FIELDS] for yielding.

Madam Chairman, again, the statement was made, the whole premise of ignoring the made-in-America language that the committee has wrapped itself in is saying well, we have this series transition moneys. And that as long as they are there, the Secretary cannot allow this to happen.

Well, folks, they are not there. If one Member of this body who serves on the Committee on Appropriations will stand and say that the money is there, I will sit down and go home. But there is not one, because it is not there.

If there is one member of the administration in the gallery who will say we are going to go to bat for the series transition money, I will go home. But there is not one.

It is a false hope, and I will not take the money of the hard-working men and women that work in the shipyards of this country and use it to subsidize their competitors.

Mr. FIELDS of Texas. Madam Chairman, if I may reclaim my time, the series transition program is not a 1-year program. It is a multi-year program.

Again, I want to point out that this amendment will, for all intents, kill the U.S. flag fleet; was defeated overwhelmingly in our committee; has a noble purpose, a simplistic approach, and I think it has a dangerous result. Plus, the Shipbuilders Council supports the bill as is without the Taylor amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. TAYLOR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 64, noes 362, not voting 12, as follows:

[Roll No. 545]

AYES—64

Andrews (NJ)
Bachus (AL)
Barlow
Bevill
Boucher
Browder
Byrne
Condit
Costello
Crane
Deal
DeFazio
Dingell
Durbin

Fields (LA)
Filner
Foglietta
Ford (MI)
Geren
Glickman
Grandy
Hall (TX)
Hayes
Hefner
Hoagland
Holden
Jacobs
Johnson (SD)

Kanjorski
Kasich
Kildee
Lancaster
Leach
Lightfoot
Margolles
Mezvinsky
Martinez
Mazzoli
McCloskey
McHale
McKinney
McNulty

Montgomery
Nussle
Orton
Parker
Payne (VA)
Penny
Poshard
Reed

Romero-Barcelo
(PR)
Roth
Royce
Sensenbrenner
Shepherd
Slaughter
Snowe

Stenholm
Stump
Stupak
Tanner
Taylor (MS)
Traficant
Valentine
Williams

NOES—362

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Bilbray
Billrakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier

Duncan
Dunn
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega
(AS)
Farr
Fawell
Fazio
Fields (TX)
Fingerhut
Fish
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Glitchest
Gillmor
Gillman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kennedy
Kennelly
Kim

King
Kingston
Klecza
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Markey
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McInnis
McKeon
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinar
Mollohan
Moorhead
Moran
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo

Pomeroy	Schroeder	Thompson
Porter	Schumer	Thornton
Portman	Scott	Thurman
Price (NC)	Serrano	Torkildsen
Pryce (OH)	Sharp	Torres
Quillen	Shaw	Tortorelli
Quinn	Shays	Towns
Rahall	Shuster	Tucker
Ramstad	Sisisky	Underwood (GU)
Rangel	Skaggs	Unsoeld
Ravenel	Skeen	Upton
Regula	Skelton	Velazquez
Reynolds	Slattery	Vento
Richardson	Smith (IA)	Viscosky
Ridge	Smith (MI)	Volkmer
Roberts	Smith (NJ)	Vucanovich
Roemer	Smith (OR)	Walker
Rogers	Smith (TX)	Walsh
Rohrabacher	Solomon	Washington
Ros-Lehtinen	Spence	Waters
Rose	Spratt	Watt
Rostenkowski	Stark	Waxman
Roukema	Stearns	Weldon
Rowland	Stokes	Wheat
Roybal-Allard	Strickland	Whitten
Rush	Studds	Wilson
Sabo	Sundquist	Wise
Sanders	Swett	Wolf
Sangmeister	Swift	Woolsey
Santor	Synar	Wyden
Sarpalius	Talent	Wynn
Sawyer	Tauzin	Yates
Saxton	Taylor (NC)	Young (AK)
Schaefer	Tejeda	Young (FL)
Schenk	Thomas (CA)	Zelliff
Schiff	Thomas (WY)	Zimmer

NOT VOTING—12

Baessler	Dooley	Machtley
Beilenson	Flake	Matsul
Berman	Ford (TN)	McHugh
Bonior	Kopetski	Morella

□ 1450

Messrs. CRAMER, GENE GREEN of Texas, GEPHARDT, FAWELL, NEAL of Massachusetts, KENNEDY, and MEEHAN changed their vote from "aye" to "no."

Messrs. ROTH, CRANE, KILDEE, MARTINEZ, BEVILL, and STUMP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ACKERMAN. Madam Chairman, I move to strike the next-to-last word. I will be exceptionally brief. I would like to have a short colloquy with the distinguished chairman of the full committee as well as the distinguished ranking member of the full committee.

Mr. Chairman and Mr. Ranking Member, I was prepared to offer an amendment to H.R. 2151, the Maritime Security and Competitiveness Act, which would have prevented the Secretary of Transportation from limiting the amount of funds available to the U.S. Merchant Marine Academy and from taking action to charge tuition at the Academy. However, it is my present understanding that the Committee on Merchant Marine and Fisheries will be considering this issue within the next 2 weeks in the bill H.R. 3400, legislation that implements the National Performance Review recommendations. I would like to know if my understanding is correct, and if that is so, would each of you be supportive of the perspective of my amendment at that time?

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Madam Chairman, the gentleman is entirely correct in his observation. That is the intention of the committee.

Mr. FIELDS of Texas. Madam Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Madam Chairman, first I want to say to the gentleman that I appreciate the way he has conducted himself in regard to this particular amendment in working with the committee. And if I understand the thrust of his amendment, and that is to preserve the Merchant Marine Academy as is, I am very supportive, as are the other Members on our side of the aisle. And I congratulate the gentleman for having an interest in this particular subject matter.

Mr. ACKERMAN. I thank the distinguished ranking Republican member. Accordingly, Madam Chairman, with that understanding, I will not offer my amendment today.

Mr. FAZIO. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong support of this act, the Maritime Security Competitiveness Act, H.R. 2151. As the United States continues to enhance its position in the global market, and I am certainly hopeful we will not shrink from that challenge, it is essential to our economic stability and national security that our merchant marine fleet is strengthened. If we intend to expand our international exports in a global economy, we must see to it that our maritime fleet is internationally competitive with those of competing countries.

The maritime fleet is not only an integral component of U.S. trade overseas, but provides valuable assistance to the U.S. military in time of war or conflict.

I urge my colleagues to support this legislation and to vote to strengthen the U.S. merchant marine and ensure our country's continued presence as a leader in world exports.

I want to congratulate the gentleman from Massachusetts [Mr. STUDDS] on resolving the issues related to cargo in the Great Lakes. I think we can now support this bill without amendment, and I urge my colleagues to pass it in its present form.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in favor of the bill.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2151, the Maritime Security and Competitiveness Act, and in support of the cargo preference language included in this bill.

Mr. Chairman, like the Member who spoke before me, I too, would like to

congratulate the chairman for working out the issue with reference to the Great Lakes, which I think was an important objective.

Mr. Chairman, cargo preference is an important tool our Government uses to support the American shipping industry. Few people in this body blink when buy-American amendments are offered to spending bills on this floor. One will be offered to this bill, I understand, by the gentleman from Ohio. I believe strongly that the cargo preference laws are no different. If we are going to use our taxpayers' money to buy American, we should also be using it to ship American.

Let's remember, cargo preference is not a handout. If American-flagged vessels cannot offer a competitive and favorable rate with other foreign flag vessels, then the American-flagged vessel is not used. The cargo preference law is not intended to freeze out all foreign competition, and it is not intended to pad the payroll of American shipping companies.

Cargo preference, like many of our agricultural subsidies, puts American-owned, American-crewed vessels on a level playing ground with unfair foreign competition. Unfortunately, as long as there are flag-of-convenience ships who do not even comply with modest safety, health or environmental standards, the playing field for American ships will never be level.

The cargo preference language in this bill reflects the compromise reached by agricultural and maritime interests in 1985 after lengthy discussions, and it should be preserved.

I will, therefore, oppose an amendment to change that, and want to congratulate the chairman and the ranking member and all of those who participated in bringing this bill to the floor. And I urge strong support of H.R. 2151 and the preservation of its cargo preference provisions.

Mr. UNDERWOOD. Mr. Chairman, I move to strike the last word. Mr. Chairman, I am in basic support of the legislation and want to take this opportunity to engage the chairman of the committee in a colloquy.

Mr. Chairman, the American citizens who live on Guam and other remote offshore domestic ports have a strong interest in the shipping services provided by the American merchant marine fleet. For us, reliable shipping at competitive prices is not a luxury, it is absolutely essential to our economic well-being. The Maritime Security and Competitiveness Act under section 14 requires the Secretary to conduct a study on the Maritime Security Fleet Program. The Secretary is directed to study the impact of this act, issues surrounding the international competitiveness of U.S. documented vessels, whether this act has assisted the U.S. documented vessels in competing with foreign-flag operators, and whether

this act should be continued, modified or discontinued. Mr. Chairman, I am concerned about the effects of this act, or any modifications to this act, on consumers. I understand that it is the intent of the committee that this issue would be addressed, and that the Secretary should study whether changes or modifications in the Maritime Security Fleet Program could result in adverse impact on consumers, especially in remote offshore domestic points such as Guam, which are served by two or fewer operators of U.S. documented vessels.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, that is entirely correct. As the gentleman from Guam has stated, the study is not confined to issues of international competitiveness.

□ 1500

It also includes the concerns the gentleman from Guam has raised about the adverse effects on consumers and the special circumstances of remote domestic ports like Guam and American Samoa.

Mr. UNDERWOOD. I thank the chairman for his comments.

AMENDMENTS OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore (Mr. COPPERSMITH). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. TRAFICANT: Page 8, line 17, strike "or".

Page 9, line 2, strike the period and insert "or".

Page 9, after line 2, insert the following:

"(C) if the vessel carries as cargo any item that—

"(i) is sold or shipped to the United States;

"(ii) is not made in the United States; and

"(iii) the owner or operator of the vessel knows has had fraudulently affixed to it a label bearing a 'Made in America' inscription, or any inscription with the same meaning.

At the end of the bill add the following new sections:

SEC. 17. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 18. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such

assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the first amendment amends the section that addresses the removal of vessels from the list by attaching a fraudulent-label clause. As you know, the importation of foreign products falsely bearing the "Made in America" label is continuing to go unreported. As a result, foreign nations are dumping products over quota in American markets, hurting the American worker and our economy.

The illegal and fraudulent use of "Made in America" labels on any products or shipments coming into this country must at least be reported. My amendments would remove from the list of eligible vessels any vessel that carries as cargo any item that is sold or shipped into the United States, is not made in the United States, and the owner/operator of the vessel knows that they have inside their vessels materials and goods that bear a false label. This amendment would strike that from the list.

In addition, it sends a notice to recipients doing business under the bill that Congress encourages then wherever possible to buy American-made goods.

I am glad to have the support of so many people on the bill and would hope it would be passed without prejudice.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Ohio [Mr. TRAFICANT.]

The amendments were agreed to.

The CHAIRMAN pro tempore. Are there other amendments to section 3 of the bill?

If not, the Clerk will designate section 4.

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that section 4 and succeeding sections of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the remainder of the bill, consisting of section 4 through section 16, is as follows:

SEC. 4. OPERATING-DIFFERENTIAL SUBSIDY CONTRACTS.

(a) TERMINATION OF EXISTING CONTRACTS.—Notwithstanding any other provision of this

Act, any contract in effect under title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), on the day before the date of enactment of this Act shall continue in effect under its terms and terminate as set forth in the contract, unless voluntarily terminated on an earlier date by the persons (other than the United States Government) that are parties to the contract.

(b) AGE ACCELERATION OF BULK CARGO ODS VESSELS.—Section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156) is amended—

(1) by inserting "(a)" after "SEC. 506."; and

(2) by adding at the end the following new subsection:

"(b) For purposes of this section, any liquid or dry bulk cargo vessel for which operating-differential subsidy is required to be paid under a contract under title VI that is in force on May 19, 1993, shall, effective upon the termination date of the contract (as set forth in the contract as in effect on May 19, 1993, be deemed to have reached the age of 20 years."

(c) RESTRICTIONS ON OPERATIONS OF ODS VESSELS.—Title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 616. LIMITATION ON APPLICATION OF RESTRICTIONS ON OPERATIONS.

"(a) Sections 605(c) and 804, this section, and the essential service requirements in section 601(a) and 603(a), do not apply to a contractor if—

"(1) the contractor submits an eligibility decision application to the Secretary under title IV for all of the vessels operated by the contractor under an operating-differential subsidy contract; and

"(2) all of those vessels for which operating agreements are offered by the Secretary under title IV are enrolled in the Maritime Security Fleet.

"(b)(1) With respect to the operations of a contractor receiving operating-differential subsidy for liner vessels on a particular trade route, as defined in that contractor's contract in effect on January 1, 1993, that operator shall not be subject to the restrictions of either section 605(c) or section 804 with respect to operations on that trade route, commencing at such time as—

"(A) that operator transfers 50 percent or more of its vessels that were operating on that trade route as of January 1, 1993, from the operating-differential subsidy program to the Maritime Security Fleet program under title IV; or

"(B) that operator is the only contractor receiving operating-differential subsidy with respect to that trade route, and all other United States-flag liner operators operating a vessel on that trade route are operating on that trade route only vessels for which there are in effect operating agreements under title IV.

"(2) With respect to any contractor receiving operating-differential subsidy for liner vessels on Maritime Administration Essential Trade Route 1, 2, or 8, that operator shall not be subject to the restrictions of either section 605(c) or section 804 with respect to operations on any of those trade routes, commencing at such time as payments begin to accrue on behalf of another United States-flag operator that is a party to an operating agreement under title IV which provides liner service on Maritime Administration Essential Trade Route 2."

(d) ELIMINATION OF TRADE ROUTE RESTRICTIONS.—Section 809(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1213(a)) is amended by adding at the end the following: "This subsection shall not apply to contracts under title IV or funds for such contracts."

SEC. 5. ELIMINATION OF CONSTRUCTION DIFFERENTIAL SUBSIDY RESTRICTIONS.

Title V of the Merchant Marine Act, 1936 (46 App. U.S.C. 1151 et seq.), is amended by adding at the end the following:

"SEC. 512. LIMITATION ON RESTRICTIONS.

"Notwithstanding any other provision of law or contract, all restrictions and requirements under sections 503, 506, and 802 applicable to a liner vessel constructed, reconstructed, or reconditioned with the aid of construction-differential subsidy shall terminate upon the expiration of the 25-year period beginning on the date of the original delivery of the vessel from the shipyard."

SEC. 6. DEFINITIONS APPLICABLE TO MERCHANT MARINE ACT, 1936.

Section 905 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1244), is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Each of the terms 'foreign commerce' and 'foreign trade' mean—

"(1) trade between the United States and a foreign country; or

"(2) trade between foreign ports.";

(2) by striking subsection (c) and inserting the following:

"(c) The term 'citizen of the United States' means a person eligible to own a documented vessel under chapter 121 of title 46, United States Code," and

(3) by adding at the end the following:

"(h) The term 'foreign subsidized shipyard' means a shipyard that—

"(1) receives or benefits from, directly or indirectly, a shipyard subsidy for the construction of vessels; and

"(2) is located in a foreign country that has not signed a trade agreement with the United States that provides for the elimination of subsidies for that shipyard.

"(i) The term 'subsidy' includes any of the following:

"(1) Officially supported export credits and development assistance.

"(2) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

"(A) grants;

"(B) loans and loan guarantees other than those available on the commercial market;

"(C) forgiveness of debt;

"(D) equity infusions on terms inconsistent with commercially reasonable investment practices;

"(E) preferential provision of goods and services; and

"(F) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

"(3) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

"(4) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

"(5) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

"(6) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

"(7) Any indirect support directly related, in law or in fact, to shipbuilding and repair at na-

tional yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

"(8) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations."

SEC. 7. GOVERNMENT-IMPELLED CARGOES.

(a) **VESSELS ELIGIBLE FOR CARGOES.**—Section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)) is amended—

(1) in paragraph (1), by striking "For purposes of this section, the term 'privately owned United States-flag commercial vessels'" and all that follows through the end of the paragraph; and

(2) by adding at the end the following new paragraphs:

"(3) In this section and section 901b, the term 'privately owned United States-flag commercial vessel' means a privately owned vessel that is documented under chapter 121 of title 46, United States Code, that—

"(A) was built in the United States;

"(B) was documented under chapter 121 of title 46, United States Code, before May 19, 1993;

"(C) does not transport under section 901b or this section on any voyage more than 12,000 tons of bulk cargo (as defined in section 3 of the Shipping Act of 1984), and—

"(i) was built in a foreign shipyard under a contract entered into on or before May 19, 1993;

"(ii) is built under a contract entered into after that date, in a foreign shipyard that on the date the contract is entered is not a foreign subsidized shipyard; or

"(iii) is subject to an operating agreement under title IV;

"(D)(i) is built under a contract entered into after May 19, 1993, in a foreign shipyard that on the date the contract was entered is not a foreign subsidized shipyard; and

"(ii) has not been documented in a foreign country before it is documented under chapter 121 of title 46, United States Code; or

"(E) has been documented under chapter 121 of title 46, United States Code, for at least 3 consecutive years, did not transport any equipment, materials, or commodities during that period under this section or section 901b, and—

"(i) was built in a foreign shipyard under a contract entered into before May 19, 1993; or

"(ii) is built under a contract entered into after that date, in a foreign shipyard that on the date the contract was entered is not a foreign subsidized shipyard.

"(4) In paragraph (3), the term 'built' includes rebuilt."

(b) **CLERICAL AMENDMENT.**—Section 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241f) is amended by adding at the end the following:

"(f) For the definition of the term 'privately owned United States-flag commercial vessel', see section 901(b)(3)."

SEC. 8. VESSEL FINANCING.

(a) **ELIMINATION OF MORTGAGEE RESTRICTIONS.**—Section 31322(a) of title 46, United States Code, is amended to read as follows:

"(a) A preferred mortgage is a mortgage, whenever made, that—

"(1) includes the whole of the vessel;

"(2) is filed in substantial compliance with section 31321 of this title; and

"(3)(A) covers a documented vessel; or

"(B) covers a vessel for which an application for documentation is filed that is in substantial

compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter."

(b) **ELIMINATION OF TRUSTEE RESTRICTIONS.**—(1) **REPEAL.**—Section 31328 of title 46, United States Code, is repealed.

(2) **CONFORMING AMENDMENT.**—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking "31328 or" each place it appears.

(c) **REMOVAL OF MORTGAGE RESTRICTIONS.**—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended—

(1) in subsection (c)—

(A) by striking "31328" and inserting "12106(e)"; and

(B) in paragraph (1) by striking "mortgage," each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking "transfer, or mortgage" and inserting "or transfer";

(B) in paragraph (2) by striking "transfers, or mortgages" and inserting "or transfers";

(C) in paragraph (3)(B) by striking "transfers, or mortgages" and inserting "or transfers"; and

(D) in paragraph (4) by striking "transfers, or mortgages" and inserting "or transfers".

(d) **LEASE FINANCING.**—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation under section 12102;

"(B) the vessel is otherwise qualified under this section to be employed in the coastwise trade;

"(C) the person that owns the vessel, or any other person that owns or controls the person that owns the vessel, is primarily engaged in leasing or other financing transactions;

"(D) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916; and

"(E) the demise charter is for—

"(i) a period of at least 3 years; or

"(ii) such shorter period as may be prescribed by the Secretary.

"(2) On termination of a demise charter required under paragraph (1)(D), the coastwise endorsement may be continued for a period not to exceed 6 months on any terms and conditions that the Secretary of Transportation may prescribe.

"(f) For purposes of the first proviso of section 27 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 12102(a), a vessel meeting the criteria of subsection (d) or (e) is deemed to be owned exclusively by citizens of the United States."

SEC. 9. PLACEMENT OF VESSELS UNDER FOREIGN REGISTRY.

(a) **IN GENERAL.**—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended by adding at the end the following:

"(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

"(1)(A) the Secretary determines that at least one replacement vessel of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under the foreign registry; and

"(B) the replacement vessel is not more than 10 years of age on the date of that documentation;

"(2)(A) the owner of the vessel has applied for an operating agreement under title IV of the Merchant Marine Act, 1936; and

"(B) the Secretary, due to the unavailability of funds, has not awarded that owner an operating agreement within 60 days after the date of that application; or

"(3)(A) before the expiration of an operating agreement entered into under title IV of the Merchant Marine Act, 1936, the owner has applied for a new operating agreement; and

"(B) the Secretary, due to the unavailability of funds, has not awarded the owner an operating agreement before the later of—

"(i) 60 days after the application for a new operating agreement; or

"(ii) the date of expiration of the operating agreement.

"(f) The Secretary shall give notice and an opportunity for a hearing for all approvals applied for under subsection (c)(2) for oceangoing merchant vessels that are of at least 3,000 gross tons."

(b) APPLICATION.—The amendment made by subsection (a) applies to vessels that are placed under foreign registry after the date of enactment of this Act and replacement vessels documented in the United States after that date.

(c) COURT SALES OF VESSELS.—Section 31329 of title 46, United States Code, is amended to read as follows:

"§31329. Court sales of documented vessels

"When a documented vessel is sold by order of a district court to a mortgagee not eligible to own a documented vessel—

"(1) that sale is not a sale foreign within the terms of the first proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883); and

"(2) unless the vessel is transferred to a foreign registry, the vessel may be operated only with the approval of the Secretary of Transportation."

SEC. 10. SERIES CONSTRUCTION ASSISTANCE.

The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by adding at the end the following:

"TITLE XIV—SERIES CONSTRUCTION ASSISTANCE

"SEC. 1401. PAYMENT OF ASSISTANCE AUTHORIZED.

"(a) IN GENERAL.—The Secretary of Transportation (hereinafter in this title referred to as the 'Secretary') may, subject to the availability of appropriations, pay assistance in accordance with this title to the owner of a shipyard that is located in the United States for the construction (including outfitting and equipping) of any commercial vessel that is one of a series of vessels for which payment of assistance under this section to the owner is approved by the Secretary under section 1402.

"(b) AMOUNT OF ASSISTANCE.—The total amount of assistance paid under this section with respect to a vessel shall be equal to the series transition payment determined for the vessel under section 1403(a).

"SEC. 1402. APPROVAL OF ASSISTANCE FOR CONSTRUCTION OF SERIES OF VESSELS.

"(a) APPROVAL OF ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may approve payment of assistance under section 1401 for construction of a series of vessels in a shipyard if—

"(A) the owner of the shipyard submits an application for that assistance in accordance with section 1405;

"(B) the Secretary makes the determinations described in subsection (b); and

"(C) the Secretary determines that payment of the assistance will contribute to maintaining national vessel construction capabilities that are essential in time of war or national emergency.

"(2) LIMITATION.—The Secretary may not approve assistance under this section for a series of vessels if the series transition payment determined under section 1403(a) for any vessel in the series is greater than 50 percent of the estimate of the cost of constructing the vessel determined by the Secretary under section 1403(b)(2).

"(b) DETERMINATIONS BY SECRETARY.—The Secretary may not approve assistance for construction of a series of vessels in a shipyard unless the Secretary has determined the following:

"(1) VESSEL REQUIREMENTS.—The vessels are—

"(A) commercial vessels of at least 10,000 gross tons; and

"(B) commercially marketable on the international market.

"(2) SHIPYARD REQUIREMENTS.—The shipyard in which the vessels will be constructed—

"(A) is located in the United States; and

"(B) upon completion of construction of the vessels, will be capable of constructing additional vessels of the same type as those in the series for a price that is competitive in the international market.

"(3) APPLICANT REQUIREMENTS.—The applicant for the assistance—

"(A) has the ability, financial resources, and other qualifications necessary for construction of the vessels;

"(B) has entered into a contract for the construction of each of the first 2 vessels to be constructed in the series, which may include a contract for a vessel that will be constructed without assistance under this title; and

"(C) is the owner of the shipyard in which the vessels will be constructed.

"(4) CONTRACT REQUIREMENTS.—Each of the contracts required under paragraph (3)(B) are binding obligations on the applicant and all other parties to the contracts, except that such a contract may be contingent on—

"(A) the approval of assistance under this title for construction of a vessel under the contract; and

"(B) the making of a guarantee or commitment to guarantee obligations under title XI for construction under the contract.

"(5) PURCHASER REQUIREMENTS.—Each person that is a purchaser of a vessel under a contract required under paragraph (3)(B)—

"(A) has the ability, financial resources, and other qualifications necessary to own and operate the vessel in commercial service; and

"(B) is a party to the contract.

"(6) SERIES TRANSITION PAYMENT.—The series transition payment under section 1403 for each vessel in the series.

"(c) PRIORITY FOR CERTAIN SERIES OF VESSELS.—In approving assistance under this title, the Secretary may give priority to a series of vessels—

"(1) if a smaller number of vessels in the series are required to be constructed with assistance before construction of that type of vessel becomes cost effective;

"(2) for which the total of the series transition payments determined under section 1403 for all vessels in the series is less than that total for other series of vessels for which applications are submitted for assistance under this title;

"(3) that will be constructed in a shipyard with respect to which assistance under this title has not been provided; or

"(4) that would contribute to the preservation of a shipyard that would be essential in a time of war or national emergency.

"SEC. 1403. DETERMINATION OF SERIES TRANSITION PAYMENTS.

"(a) IN GENERAL.—The Secretary shall determine the series transition payment for each vessel in a series of vessels for which an application for assistance under this title is received by the Secretary.

"(b) AMOUNT OF SERIES TRANSITION PAYMENT.—The series transition payment for a vessel under subsection (a) is equal to the difference of—

"(1) the estimated cost of completing construction of the vessel, as included in the application for assistance submitted under section 1405; minus

"(2) a reasonable estimate of the cost of constructing the vessel under similar plans and specifications in a foreign shipyard that is considered by the Secretary to be a fair and representative example for purposes of determining the payment.

"SEC. 1404. SERIES CONSTRUCTION AGREEMENT.

"(a) IN GENERAL.—

"(1) IN GENERAL.—The Secretary shall, for each series of vessels for which assistance is approved under section 1402, enter into a series construction agreement with the owner of the shipyard in which the series of vessels will be constructed, under which the Secretary is required to pay the owner assistance in accordance with a schedule established under paragraph (2).

"(2) SCHEDULE FOR PAYMENTS.—An agreement under this subsection shall establish a schedule for the payment of assistance under the agreement, that is based on the construction schedule for vessels for which the assistance is paid.

"(3) TERMINATION OF AGREEMENT.—An agreement under this subsection shall authorize the Secretary to terminate the agreement if—

"(A) a contract required under section 1402(b)(3)(B) is terminated by the purchaser of the vessel under the contract, and the owner of the shipyard does not enter into a new contract for construction of the vessel within a period which shall be specified in the agreement; or

"(B) the owner of the shipyard fails to enter into contracts for construction of all vessels in the series of vessels to which the agreement applies, within a period which shall be specified in the agreement.

"(4) CONTINUING EFFECT OF AGREEMENT WITH RESPECT TO VESSELS COVERED BY CONTRACTS.—The termination of a series construction agreement under paragraph (3) shall not affect the effectiveness of the agreement with respect to vessels for which a construction contract is in effect on the date of termination.

"(b) BINDING OBLIGATION OF THE UNITED STATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a requirement that the Secretary make payments under a series construction agreement under subsection (a) shall constitute a binding obligation of the United States.

"(2) TERMINATION OF OBLIGATION.—If the Secretary terminates a series construction agreement pursuant to subsection (a)(3), the obligation of the United States under paragraph (1) to make payments under the agreement shall terminate with respect to vessels for which no construction contract is in effect on the date of termination of the agreement.

"(3) CONTINUING AVAILABILITY OF AMOUNTS.—Amounts to be used to liquidate an obligation under paragraph (1) that terminates under paragraph (2) shall remain available to the Secretary for the payment of assistance under this title.

"SEC. 1405. APPLICATIONS FOR ASSISTANCE.

"(a) SUBMITTAL.—A person desiring assistance under this title shall, in accordance with this section, submit an application to the Secretary.

"(b) CONTENTS OF APPLICATION.—An application for assistance under this title with respect to a series of vessels shall include the following:

"(1) A detailed description of the type of vessels included in the series, including plans and specifications for the vessels.

"(2) Detailed estimates of the cost of completing construction of each of the vessels in the series, including such estimates from subcontractors for the construction as may be required by the Secretary.

"(3) Copies of the contracts required under section 1402(b)(3)(B).

"(4) Other information required by the Secretary to fulfill the requirements of this title.

"(c) REGULATIONS.—The Secretary shall issue regulations setting forth the procedures for submitting an application for assistance under this title.

"SEC. 1406. RESTRICTION ON VESSEL OPERATIONS.

"A vessel for which assistance is paid under this title—

"(1) may be operated only in foreign trade or domestic trade authorized under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code; and

"(2) may not be operated in the coastwise trade of the United States (including mixed coastwise and foreign trade), except coastwise trade authorized under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code.

"SEC. 1407. VESSEL DESIGN AWARDS.

"The Secretary, subject to the availability of appropriations, may make an award to a United States shipyard on an equal matching basis for the cost of vessel designs and document and bid preparation for vessels described in section 403(b)(4)."

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act are effective on the date which is 120 days after the date of enactment of this Act.

SEC. 12. REGULATIONS.

(a) IN GENERAL.—The Secretary of Transportation shall prescribe regulations as necessary to carry out this Act.

(b) INTERIM REGULATIONS.—The Secretary of Transportation may prescribe interim regulations necessary to carry out this Act and for accepting eligibility decision applications under section 403 of the Merchant Marine Act, 1936, as amended by this Act. For this purpose, the Secretary of Transportation is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire 270 days after the date of enactment of this Act.

SEC. 13. EXPANSION OF STANDING FOR MARITIME UNIONS.

Section 301 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by adding at the end the following:

"(c) STANDING FOR MARITIME UNION REPRESENTATIVES.—The duly-elected representative of any organization that is certified by the Secretary of Labor as the proper collective bargaining agency for officers or crew employed on any type of United States documented vessel is an interested party in, and has standing to challenge, any proposed or final order, action, or rule of the Secretary of Transportation under this Act or section 9(c)(2) of the Shipping Act, 1916."

SEC. 14. STUDY.

(a) IN GENERAL.—After providing public notice and opportunity for comment, the Secretary of Transportation shall conduct a study of—

(1) the impact of this Act on the international competitiveness of United States documented vessels and whether this Act has had a favorable or unfavorable impact on the ability of United States documented vessels to compete successfully with foreign-flag vessels;

(2) whether continuation of the Maritime Security Fleet program established by this Act

would assist the international competitiveness of United States documented vessels;

(3) whether the Maritime Security Fleet program should be continued, modified, or discontinued;

(4) alternatives that are or should be available to operators of United States documented vessels if the Maritime Security Fleet program is discontinued; and

(5) any other issues related to promoting the international competitiveness of United States documented vessels that the Secretary considers appropriate.

(b) REPORT.—The Secretary of Transportation shall submit to the Congress a report on the findings and conclusions of the study required by subsection (a) by not later than 4 years after the date of enactment of this Act, which shall include such recommendations as the Secretary considers appropriate.

SEC. 15. CARGO PREFERENCE ADMINISTRATIVE REFORM.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Congress continues to support the cargo preference program as an important element of support for the United States-flag merchant marine because the United States merchant marine is critical to the economic and national security of the United States;

(2) reserving a small portion of Government cargo for United States-flag vessels encourages competition among United States-flag vessels; and

(3) administering the cargo preference program in a centralized, commercially based manner reduces costs of the program.

(b) ADMINISTRATIVE REFORM.—Section 901 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241) is amended by adding at the end the following new subsections:

"(d) A privately owned United States-flag commercial vessel transporting any equipment, materials, or commodities under this section or section 901b shall be engaged under terms no less favorable than the most favorable terms offered to any foreign-flag vessel transporting equipment, materials, or commodities under this section or section 901b.

"(e) A contract for the ocean transportation of any equipment, materials, or commodities under this section or section 901b, to the extent the Secretary of Transportation determines necessary to further the purposes of this section and section 901b, shall be based on contracts used for commercial shipments.

"(f) The Secretary of Transportation shall participate in negotiations relating to agreements with recipient countries for equipment, materials, or commodities subject to this section or section 901b to the extent the Secretary considers to be necessary to ensure agreement provisions relating to or affecting the transportation of such equipment, materials, or commodities permit fair and reasonable transportation services to be provided.

"(g) No later than 180 days after the date of the enactment of the Maritime Security and Competitiveness Act of 1993, the heads of appropriate Federal agencies, or their representatives, shall transmit to the Secretary of Transportation recommendations relating to the methodology used by the Secretary of Transportation to determine whether rates for United States-flag vessels are fair and reasonable in compliance with section 901(b) and will achieve the policy objectives of this Act."

SEC. 16. WAGES FOR WHICH PREFERRED MARITIME LIEN MAY BE ESTABLISHED.

(a) IN GENERAL.—Section 31301(5)(D) of title 46, United States Code, is amended by inserting before the semicolon the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor

Management Relations Act, 1947 for any individual as a member of the crew of the vessel, that is due from and unpaid by an owner or managing operator of the vessel)".

(b) INCURRING OBLIGATIONS BEFORE EXECUTING PREFERRED MORTGAGES.—Section 31323(b)(2) of title 46, United States Code, is amended by inserting before the semicolon the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for any member of the crew of the vessel)".

(c) MASTER'S LIEN FOR WAGES.—Section 11112 of title 46, United States Code, is amended by inserting after "wages" the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for an individual as master of the vessel, that is due from and unpaid by an owner or managing operator of the vessel)".

(d) APPLICATION.—The amendments made by subsections (a), (b), and (c) shall apply with respect to payments that first become due on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Are there amendments to the remainder of the bill?

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Amend section 15 of the bill as follows:

On page 68, strike lines 18 through 21 and insert the following: "under terms that provide for rates not to exceed twice the level of competitive world market rates for the transport of equipment, materials, or commodities.

Mr. PENNY. Mr. Chairman, I yield to the chairman of the committee, the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, having consulted with the ranking member and with the co-authors of this amendment, I believe we have a consensus that a time limitation would be in order. In fact, we are all such reasonable people that we almost have a consensus that we will not need as much time as I am about to ask for.

But I would ask unanimous consent that all debate on this amendment and all amendments thereto conclude no later than at the end of 1½ hours.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GRANDY. Mr. Chairman, reserving the right to object, and I do not intend to object, I just want to clarify this with the Chairman: The time will be equally divided between the proponents and opponents and not four ways, I would hope?

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, it would be my intention that one-half the time would be used by the proponents of the amendment and one-half by the opponents,

and it is my intention to yield one-half of that time to the gentleman from Texas [Mr. FIELDS].

Mr. GRANDY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. ROBERTS. Mr. Chairman, reserving the right to object, might I ask the distinguished chairman to repeat the time? Is it a half-hour?

Mr. STUDDS. If the gentleman would yield, it would be 90 minutes, 45 minutes on each side.

Mr. ROBERTS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the unanimous consent request, the gentleman from Minnesota [Mr. PENNY] will be recognized for 45 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, the amendment I offer today deals with cargo preference subsidies.

Mr. Chairman, as we all know, our country faces a serious budget challenge. I have tried to work in a bipartisan fashion to address various areas of cost overruns within the Federal Government. For example, several weeks ago the House voted to discontinue the honey, wool, and mohair programs in the agriculture budget because most Members felt that these costs were too high in relationship to the few farmers who benefited from the program. I represent a rural district and serve on the Committee on Agriculture, but I saw the need for and supported those program changes.

We also have made a determination in this Congress that basic farm subsidies should be limited and no farm operation can now receive more than a \$50,000 subsidy.

Every year, whether it is agriculture or other programs and services, we make tough decisions in this institution to weed out wasteful spending where it can be identified.

The maritime industry has a huge subsidy in the form of cargo preference. OMB reported in fiscal year 1991 that cargo preference costs to the U.S. Government were nearly \$1.1 billion; in fiscal 1992 it cost \$548 million; and in fiscal year 1993, \$595 million.

At this point in time the cost of our Government for this program is reflective of the fact that U.S.-flag rates are significantly higher than rates for other world shippers.

We are not proposing today that we eliminate cargo preference entirely.

That has been debated in the past and may be debated in the future, but it is not the proposition before the House this afternoon.

We are simply saying that this subsidy should be capped at a reasonable level. We have seen United States shipping companies submit bids for Russia which range from 3 to 5 times the world price. Russia is not the only country where we see these excessive freight rates. In 1991 we shipped \$447 million of grain to Africa, and the transportation costs went up 5-fold to \$468 million, more than the entire cost of the grain involved in that shipment.

One problem is that Congress has never bothered to legislate a definition of "fair and reasonable rates." As most other agencies who struggle under cargo preference will attest, just about anything is "fair and reasonable," if left to the Maritime Administration.

As it stands now, there are few incentives for our U.S.-flag companies and seafarers to become competitors and to become efficient. Congress must insist upon a top-to-bottom audit and analysis of our maritime subsidies. We need to look at a system which provides a right to first refusal.

We can and we should provide prudent, aboveboard, direct subsidies that can be scrutinized year in and year out. But if they do not offer bids that are competitive with world rates, then they should not have any right to carry these cargos.

A direct subsidy could provide a prudent level of income for U.S. seafarers. I am not talking about Third World wages, but there would be nothing wrong with limiting these subsidies to 100 percent above the world market rates. That is a generous level for us to offer, a level that will require, yes, some restraint from current practice but still cargo preference to pay higher rates for U.S.-flag vessels.

Mr. Chairman, I would conclude by simply saying the time for change in this program is long overdue, and I would urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Who seeks recognition?

Mr. PENNY. Mr. Chairman, since the other side in this debate is not ready to use their time, I would yield such time as he may consume to my cosponsor, the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. I thank my friend and colleague for yielding to me.

Mr. Chairman, I rise in strong support for this amendment and would note that it happens at a particularly opportune and perhaps even historic time in this Congress, a time when we have already broken precedent with the past by changing many of the major ways we do business and stopping some of the ongoing funding pro-

grams that have caused so much controversy on this floor and in Congress.

□ 1510

What am I talking about? I am talking about the decision of Congress to terminate the honey program, our decision to stop the wool and mohair program, our decision to limit grazing fees, albeit controversial, and of course, the final decision by this House over the objections of the Senate to terminate the super collider.

It is in that sense today that the proponents of the Penny-Grandy amendment are offering a cap, not a cut, but a cap to cargo preference.

We ask this, knowing full well that no less a person than the Vice President of the United States when he was preparing recommendations of his National Performance Review recommended the elimination of cargo preference, recommended the elimination of the Jones Act, recommended the elimination of operating differentials.

Now, this is not in the final draft of the National Performance Review; instead, we fall back and have a Commission report on the determination for future subsidies to the maritime industry; and yet today we extend those subsidies before the Commission has even reported their findings; but we do know that there are reports that are currently being withheld that argue against the continuation of the very generous cargo preference subsidies.

For example, last year the DOD concluded that there was no national security justification for new subsidies. Indeed, the Assistant Secretary of Defense, Colin McMillan said the following:

The issue of the two major U.S.-flag containership operators disposing of their U.S.-flag fleets is primarily and economic policy issue, rather than a national security issue and should be treated accordingly.

Now, of course, we all know that the threat from the former Soviet Union has diminished. We know that the demands on our merchant marine have changed. Having said all that, we are not asking for the termination of this subsidy, although Representatives from agricultural districts have fought for years to terminate cargo preference.

Today we ask only that we do to cargo and maritime subsidies what we have done consistently with agricultural subsidies in this Congress and before, and that is to cap it at only twice the world rate.

Now, to give you an idea of what these world rates are, after the maritime industry won a high profile battle for the right to carry 75 percent of the food shipments to Russia, only three United States-flagships submitted bids. The Coastal Carrier Corp. submitted bids of \$89.95 a ton for 32,000 ton U.S.-flag container barge units to carry

corn from a U.S. Gulf port to a Russian port. That was four times the rates that foreign flag carriers sought. That is the reason that we offer this amendment today.

We are not just talking about humanitarian aid that goes to the former Soviet Union and the new Russian Republics. In September 1990, U.S. News reported that the Pentagon was upset because two U.S. flag carriers charged \$70,000 to send war material to the gulf that could have been set for \$6,000 at world competitive rates.

Mr. Chairman, the reason we offer this amendment is because we feel that the maritime industry, although perhaps justified in asking for some subsidy, is certainly obligated to operate under the same rules that most of our entitlement programs are now working under, whether they are domestic entitlement programs or foreign entitlement programs, and that is to put some kind of logical cap on it.

Even the buy-American laws which we pass without controversy on this floor regularly, protect American taxpayers from excessive costs by allowing foreign products to be purchased if U.S. bids are 6 percent over the foreign bids.

This caps U.S. taxpayer exposure. That is all we ask to do on cargo preference.

I would ask my colleagues in this enlightened atmosphere of budget cutting and fiscal responsibility to consider seriously this amendment. This is not the old debate between the agricultural industry and the maritime industry over whether cargo preference should be allowed to exist or whether it is fair or whether it is an undue burden on agriculture. We have had all those debates.

I would ask only that in the spirit of budget cutting and the spirit of courageous fiscal responsibility that this Congress has now begun to adapt, that we apply the same rules to cargo preference.

The CHAIRMAN. Does the gentleman from Massachusetts yield time to the gentleman from Texas?

Mr. STUDDS. Madam Chairman, if there is a way procedurally to simplify this, I would like to yield, by unanimous consent one-half of my time to the gentleman from Texas [Mr. FIELDS].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FIELDS of Texas. Madam Chairman, I yield myself such time as I might consume.

Madam Chairman, I rise in opposition to this amendment.

The Penny/Grandy amendment would cap U.S.-flag cargo preference shipping rates at two times the world rate. On the surface, that sounds like a reasonable idea, but when you look beneath the surface, you realize how bad this amendment really is.

You have to start with a basic question.

Why is it that U.S. shipping rates are higher than rates of our competitors in the cargo preference trade? The answer is that U.S. laws impose requirements on our ships that many other nations do not have. We have Federal and State income tax laws; we protect our workers under such laws as the National Labor Relations Act, the Fair Labor Standards Act, and insurance and liability laws; and, through the U.S. Coast Guard, we require construction and operational safety standards that, frequently, are more restrictive than international rules.

I do not believe it would be appropriate or wise to eliminate all these measures just to save money.

A foreign crew, as an example, of 36 from a Third World country can be hired for \$650 per day, including benefits. That works out to about \$18 per worker per day. We have it on good information that working conditions aboard many flag-of-convenience vessels are sickening. We hear reports that denial of medical treatment, beatings, and inadequate safety equipment are the disgraceful norm rather than the exception.

The authors of this amendment want to compare U.S. shipping rates to these competitors. I cannot accept that nor should this Congress, nor should the American people.

Cargo preference has a long history. In 1904, Congress applied it to military shipments. Following World War II, Congress applied it to food aid and other foreign aid shipments.

Cargo preference has always been somewhat controversial, because U.S.-flag ships must comply with all the things that I mentioned earlier, and certainly that makes everything more expensive than unregulated flags of convenience vessels.

Agribusiness interests, in particular, have lobbied against application of cargo preference to food aid programs that help subsidize our agricultural industry.

At the outset, let me make it clear that H.R. 2151 neither expands nor contracts the scope of the cargo preference laws. USDA's multi-billion-dollar commercial export programs, such as the Export Enhancement Program [EEP], have always been exempt from cargo preference and will continue to be exempt under this bill.

Nor does H.R. 2151 change the way we finance food aid programs. As we agreed in the hard-fought cargo preference compromise that was included in the 1985 farm bill, and was reaffirmed in the 1990 farm bill, USDA pays the differential between U.S. and foreign rates for the first 50 percent of cargoes subject to U.S. shipping requirements and DOT pays the remaining 25 percent. This is not the time to reopen the debate that put to rest

cargo preference application and its funding.

H.R. 2151 addresses cargo preference in only one aspect—by placing stricter controls over the transportation costs of this program. I believe that those of us with a strong interest in both agriculture, and I have a strong interest in agriculture, and maritime can agree that H.R. 2151's cargo preference provisions will help both industries.

H.R. 2151's cargo preference provisions are only a first step in addressing these problems. What we are seeking to do is bring the same kind of efficiencies to USDA that Israel is utilizing today. The result will be lower rates—benefiting both American farmers and merchant mariners.

Under this legislation, U.S.-flag vessels carrying preference cargoes must be engaged on the most favorable commercial terms offered to foreign-flag vessels.

Contracts for preference cargoes must be based on commercial contracts to reduce costs.

The Secretary of Transportation must participate in negotiations with recipient countries to ensure that fair and reasonable services are provided.

And heads of appropriate agencies will transmit their recommendations to the Secretary of Transportation to determine whether DOT's fair and reasonable rate regulation promotes the development of a commercially competitive merchant maritime industry.

□ 1520

These reforms are only a first step toward lowering cargo preference costs. What we need is for agriculture, maritime, and the U.S. Government to work together to reduce rates while promoting the long-term health of our U.S. merchant marine. For these reasons, I urge all Members to support the reforms incorporated in H.R. 2151 and to reject the Penny-Grandy amendment to cripple the cargo preference program.

As my colleagues know, the question has been raised: How much does cargo preference actually cost?

Our Government outlays for the cargo preference program totaled only about \$600 million in fiscal year 1993. About \$150 million of that was paid by USDA and AID for the transportation of food aid. Most of the remainder relates to the transportation of defense cargoes and is paid for by DOD or other agencies.

Now some people would ask the question:

How does the cost of cargo preference compare to agricultural subsidies?

Agricultural subsidies dwarf cargo preference. If we are going to be talking about subsidies, we ought to talk about agricultural subsidies. The U.S. Government spends 8 of every 10 of its export financing dollars to promote the export of agricultural commodities,

which account for only one-tenth of all American exports. The U.S. Government spent about \$12.2 billion in domestic and export subsidies for agricultural products in 1992, about 15 times the total amount spent to promote the whole maritime industry and 90 times the amount spent on cargo preference.

And one last point, Madam Chairman, I think is compelling for all Members, whether they are in this Chamber or in their office:

Cargo preference applies to only about 4 percent, 4 percent of all U.S. agricultural exports.

So, when we put this particular debate in its proper perspective, we come to the conclusion very quickly that H.R. 2151 should be supported in the manner that it was passed from the Committee on Merchant Marine and Fisheries, and the Penny-Grandy amendment should be defeated.

Madam Chairman, I reserve the balance of my time.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. LIPINSKI], chairman of the Subcommittee on Merchant Marine.

Mr. LIPINSKI. Madam Chairman, this amendment will only serve the interests of foreign ship owners and multinational grain houses with flag-of-convenience vessels who comply with minimal and loosely administered tax, safety, labor, health, and environmental standards. The amendment will leverage them the power to drive U.S.-flag carriers out of the market.

Despite their poor track record, flag-of-convenience vessels already dominate the foreign-flag portion of USDA's Food Aid Program. Few, if any, food aid cargoes are carried by vessels owned and crewed by nationals of our developed trade competitors, such as Germany and Japan.

This amendment will also defeat the committee's efforts to utilize the Department of Transportation's expertise in commercial shipping terms and methodology. DOT's involvement in the shipping of preference cargo would greatly enhance the efficiency and reduce the cost of our cargo preference program.

In addition, the Penny amendment will take away DOT's responsibility for determining what are fair and reasonable U.S.-flag freight rates and gives that responsibility to agencies lacking the knowledge to make those determinations.

We are talking about a mere 9 percent of all U.S. Government-promoted agricultural exports. I challenge anyone to name a country that sends its aid on foreign-flag vessels. U.S. aid is funded by U.S. tax dollars and should benefit U.S. industries—including our own merchant marine.

Mr. PENNY. Madam Chairman, I yield 7½ minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman from Minnesota [Mr. PENNY] for yielding this time to me.

Madam Chairman, I rise in strong support of the Penny-Grandy amendment. I would prefer to eliminate the cargo preference requirement in keeping with the Clinton administration's original proposal in regards to reinventing Government. Over the years I have made that point and supported efforts, and I might add, unsuccessful efforts, to do just that. But I think this sends an effective message: Not only do we need reform of the merchant marine to come of assistance to the merchant marine, if you will, but also to reform the way that the merchant marine is doing business.

Several years ago in the heat of the cargo preference debate, and some of them have been rather heated, the point was made that, if we wanted to expand food aid to the starving, we could do so by eliminating cargo preference requirements and ship more commodities to the aid recipient countries. Boy, did that get the attention of the merchant marine lobby and their supporters in the Congress. To this point some in this body at that particular time admonished members of the Committee on Agriculture that, if we are worried about tonnage shipped, then we should buy our commodities from the European Common Market because U.S. farm interests had priced our commodities out of the world market.

Madam Chairman, that shows us, that kind of statement shows us, how contentious, and how parochial and how partisan some of these statements can be and, really, how this issue can be, but the Agriculture Committee took that message to heart. The year was about 1986, and the cost in terms of total subsidies in regards to the Agriculture Committee or the Agriculture Department was about \$26 billion. We were going through a farm crisis at that time. We have reduced, as the gentleman from Minnesota has pointed out, the Government's supporters to agriculture and to U.S. farmers. Our farmers have become very competitive in the world marketplace. We have reformed our programs. Now it is time for the merchant marine to step forward in that cold shower and enjoy a very brisk reform.

I would point out that the gentleman from Texas [Mr. FIELDS] has indicated the value of our merchant marine and points out we subsidize agriculture. Let me point out to the gentleman, my good friend, agriculture represents about 20 percent of the gross national product. I do not know what the merchant marine represents, but we are about 20 percent, 1 trillion dollars' worth, 21 million jobs, 17 percent of the work force, food and fiber for the gentleman from Texas, his family and 128 other individuals, and still we take ag-

riculture for granted. The gentleman from Texas and the gentleman from Massachusetts, who undoubtedly enjoys breaded fish for his meals, only spends 10 to 12 cents out of their disposable income dollars for food, freeing up the rest of it to buy all sorts of other things. We are responsible for \$43 billion in exports, talk about subsidizing exports—\$43 billion worth, about the only segment of our economy that contributes to the trade deficit.

Now, I recognize the problem of the maritime industry. After all, they are regulated. There is not any other industry in the country that is more regulated than agriculture. I would like to help them in regards to the regulatory reform that they so obviously need, but I would point out, as Senator GRASSLEY pointed out in the other body, that the per-month cost of a U.S. flagmaster, in regards to the merchant marine per-month cost, \$44,000. Forty-four thousand dollars? A Navy captain only gets \$8,422 per month, and the gentleman from Iowa [Mr. GRANDY] has a chart that he is more than willing to show in regards to the pay: \$44,000 a month. My goodness, the median household income runs about \$30,000, so I think there are some things we could do as well as the regulatory reform.

The Penny-Grandy amendment does not eliminate cargo preference. All it does is say to the merchant marine, "You have to get by on freight rates that are twice the world rate."

Recently, during the Russian aid effort, our United States ships' owners offered to ship our commodities at three and even four times the going rate. We had a good illustration of this effect this year as the Department of Agriculture struggled to deliver on President Clinton's promise to provide food under subsidized credit to Russia and the other republics of the former Soviet Union.

□ 1530

First, only a handful of suitable ships were available. We probably have six or five or four that can actually ship the grain. And in the end, the U.S. merchant marine could not supply enough ships and some of the grain had to be moved under foreign flags, despite our best efforts.

When it came time to pay for the freight, listen to this, when the USDA asked for bids from U.S.-flag carriers, one of the early bids came in at \$138 per ton, more than five times the going world rate of \$20 to \$30 per ton. The Secretary of Agriculture wisely refused to accept a freight bid that was fully one-third higher than the value of the grain to be shipped. But as later bids came in, the USDA was forced to accept rates upward of \$90 per ton, three times more than the world rate.

In fact, only once this year has a United States-flag bid to ship grain to Russia come in at less than double the

world rate. The rates were so egregious that Secretary Espy was moved to question the U.S. merchant marine fleet for their assault on the Treasury. Mr. Espy called the timing of the increase in freight rates very suspicious.

Now, as a former marine who just attended the noon ceremony of the 218th birthday of the U.S. Marine Corps, no one is more aware than I that seafaring is a vital element in our potential military operations abroad. Recognizing that need, this Congress has year after year continued to provide, yes, needed subsidies for the merchant marine.

But after all this spending, what do we have to show for it? When this Nation moved toward war in the Persian Gulf, of the 460 ships that transported military materials into Saudi ports, the U.S. merchant marine actually contributed six—that is between five and seven—six ships. While some 80 U.S. flagships moved military gear under DOD contract, only 6 actually moved into the war zone. In the face of war, the shipping interests said no thanks.

In other words, when push came to shove, despite 75 years of subsidies, our military forces had to depend on foreign flag vessels to move the beans, bullets, and bandages for our troops in the war zone.

One more example: Under cargo preference, 75 percent of all foreign aid shipments must be carried on U.S.-flag vessels with the costs paid from the funds that are devoted to the aid programs.

Now, in closing, let me simply say this amendment will correct a deficiency in the cargo preference section of the bill. More importantly, we will limit the rates charged under cargo preference to no more than twice the prevailing international rate.

If we all agree the U.S. merchant marine should receive some support from the taxpayer, and I agree with that, surely we can agree that no one should receive more than double the competitive price for the same job.

Madam Chairman, I urge Members of this House to accept the real reform amendment. I thank the gentleman for introducing the amendment and thank the gentleman from Iowa [Mr. GRANDY] for his continued efforts.

Mr. FIELDS of Texas. Madam Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I would like to make a comment about the gentleman from Kansas [Mr. ROBERTS] who just spoke, a fellow marine. I am not going to counter point by point, but I want to make a comment that I thought I heard from the gentleman from Kansas [Mr. ROBERTS] that merchant marine captains make in the order of \$44,000 a month. I think that is not a month. It

may be \$4,000 a month, maybe \$44,000 a year, but it is not \$44,000 a month.

The gentleman from Iowa [Mr. GRANDY] and the gentleman from Minnesota [Mr. PENNY] have made comments about how we need to become more fiscally responsible and need to cut out subsidies and waste. We have cut out the honey program, the mohair program, the superconducting super collider, and those things. I think all of those are good, positive votes for fiscal sanity in the light of the deficit crisis. But those programs, in my opinion, have no comparison with security for the United States, and I do believe that the merchant marine fleet is important to U.S. security.

Foreign flag vessels routinely refuse to carry military cargo. When you consider the post-cold war situation that we are now in with North Korea, the Middle East, Bosnia, incidents in Latin America, we need to rely on a solid merchant marine fleet to carry military cargo and other cargoes.

Madam Chairman, the cost of shipping goods on American merchant marine fleets, if we compared them with other developed countries like Germany and Japan, the costs are almost exactly the same. But if you compare the cost with shipping from Malta shipping, Liberian shipping, Panamanian shipping, where the average crew member makes \$18 a day, and which the Australian Government has called "the ships of shame," then we cannot compare our regulated ships with their ships and say that we need to reduce our costs.

Madam Chairman, if we are going to compete with those different countries, unfortunately, in the light of reality, we need, No. 1, the security of our merchant marine fleet; and, No. 2, there is going to have to be some type of subsidy.

Madam Chairman, I represent a large agricultural producing area, so I recognize what many of the members on the Committee on Agriculture are saying here. But I am sensitive to the need for American products to be transported in the most efficient manner possible; that funds can be spent for purchasing American products and not spent on subsidies.

Agricultural exports, I recognize, represent the largest export of this country. But if we look at the agricultural exports as far as the impact of cargo preference is concerned, only 4 percent of the exports are impacted by cargo preference. Regarding cargo preferences in H.R. 2151, however, I believe there is need to support the shipping industry that is going to carry those cargoes around the world.

Under current cargo preference law, the percentage of cargo that originates within the U.S. Government must be shipped on U.S.-flag vessels. Seventy-five percent of food aid goes on U.S.-flag ships; 100 percent of military cargo

and 50 percent of other Government-sponsored cargoes are sent on U.S.-flag vessels. Nothing in H.R. 2151 changes these percentages.

Madam Chairman, I urge Members to support a strong merchant marine fleet. Unfortunately, I urge Members to vote against this amendment.

Mr. PENNY. Madam Chairman, may I inquire how much time remains for each side?

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] has 28 minutes remaining, the gentleman from Massachusetts [Mr. STUDDS] has 20 minutes remaining, and the gentleman from Texas [Mr. FIELDS] has 12 minutes remaining.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Madam Chairman, I rise as chairman on the Subcommittee on International Security in the strongest possible opposition to the Penny-Grandy amendment. Our merchant marine has been shrunk and shriveled until it is only a tiny vestige of its former self. It is a matter of utmost irresponsibility to put in place legislation that would guarantee the destruction of our merchant marine. As a matter of fact, this notion that we have wage parity with countries from the Third World is absurd and hypocritical. I wonder whether some of my colleagues would like to drive down the wages of our men and women who work in the merchant marine would be prepared to accept salaries that members of parliament in Third World countries receive.

□ 1540

People who work our merchant ships have to pay the same prices for everything that the rest of us do. They do not live in Third World countries. They live in the United States.

They have taken a beating over the years that no American industry has, and it seems to me that at this stage of the game, with the end of the stability of the cold war, with trouble and turbulence from Somalia to Bosnia, with difficulties that we will be experiencing all over the globe for decades to come, to destroy the American merchant marine is one of the most irresponsible and unwise moves that this body could take.

I strongly urge the defeat of the Penny-Grandy amendment.

Mr. PENNY. Madam Chairman, I yield myself 1 minute.

I appreciate the comments of the gentleman from California. And if, in fact, the Penny-Grandy amendment achieved the results that he describes, I do not think that even the gentleman from Iowa and myself would vote for the amendment.

Our amendment does not set cargo preference rates at Third World country standards. We set these rates at

twice the level of the world's standard, which is significantly higher than the rates to which the gentleman from California referred.

Madam Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. Madam Chairman, I reserve the balance of my time.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Madam Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of H.R. 2151, as reported by the Committee on Merchant Marine and Fisheries, and I strongly oppose the Penny amendment.

I attended the hearing that we had several months ago, June 1993, of the House Subcommittee on Foreign Agriculture and Hunger. And I asked a question of the president, Steve McCoy, of the North American Export Grain Association as to how many of his members owned or had interest in foreign-flag ships. He did not send me a straight answer to what I asked him in committee, but I have a list of the members of the North American Export Grain Association, and I think Members would probably all be interested to know that A.C. Toepfer International of Minneapolis, Continental Grain of Chicago, Interstate Grain of Corpus Christi, Cargill of Minneapolis, Ferruzzi Trading of New York, Matsui of New York, Richo Grain Limited of Stamford, CT, Archer Daniels of Midland, Louis Dreyfus, and Mitsubishi, all who are members of the North American Export Grain Association, all who support the Penny-Grandy amendment, all have large interests in foreign-flag vessels.

Now, in my opinion, this is an important part of the defense of this country, the security of our homeland. I know that that is where the debate comes in.

I would ask Members to carefully look at who actually takes the risk in the sale of grain overseas. There is no risk on the grain exporters. The U.S. taxpayer pays about \$1.25 a bushel on top of what the farmer gets of about \$2 a bushel. The grain company gets—for \$2 a bushel—the grain, and then can deal with it in foreign markets. But the American taxpayer pays a subsidy to the corn farmers in the districts of some of my friends of at least \$1.25 a bushel.

Now, I want to see American farmers growing corn on the high plains of America, but I want to see American bottoms carrying American grain in American bottom ships on the high seas of the world. Why is that too much to ask for?

Richo Grain Co., one of the members of the North American Export Grain Association that opposes this amendment, is owned by a Swiss company owned by Marc Rich. He is in Switzer-

land. He is wanted for tax evasion, racketeering, and trading with the Ayatollah Khomeini. Among Rich's operations is an oil company and a fleet of 7 foreign-flag tankers.

Can Members wonder why he supports the Penny amendment?

I rise in strong support of H.R. 2151 as reported by the House Committee on Merchant Marine and Fisheries, and I strongly oppose the Penny amendment.

My 21 years with the House Committee on Agriculture have taught me that this debate is less about cost savings to the U.S. Government and more about increasing the profit margins of multinational grain merchants, many of which have financial investments in foreign-flagged ships.

I also represent the congressional district that is home to the Defense Department's shipping terminal for the entire east coast. During Operation Desert Storm, the Sunny Point Terminal and the U.S. merchant marine boldly served us all in a time of danger and need. The huge mobilization should make us all appreciative of and concerned about fostering a strong, U.S. maritime industry.

During cargo preference debates, time and time again I hear Members on this floor say "I support the U.S.-flag merchant marine, but . . ." and that "but" is followed by words and amendments that seek to destroy the U.S.-flag fleet. To further restrict cargo preference serves to harm a U.S. industry, and works in direct conflict with Chairman STUDD's bill to enhance and rejuvenate our maritime fleet.

For me, there are no ifs, ands, or buts about it. We need a strong U.S.-flag fleet. We all sleep better knowing that there is a U.S. fleet available to us; a U.S.-flag fleet loyal to us, and us only. We must continue to support our country's national security and our U.S.-flag maritime fleet.

Let's give the management review currently underway at the Department of Transportation an opportunity to judiciously and comprehensively reform the program for greater efficiency and cost-savings. I urge my colleagues to stand with me and oppose the Penny amendment.

Mr. FIELDS of Texas. Madam Chairman, I yield myself 1 minute, just to compliment the gentleman for his fine statement and to elaborate just a moment, because the point he is making is a compelling point.

Cargill owned or chartered an ocean-going fleet of 24 foreign-registered vessels in 1985. There are only 30 ships, domestic ships now carrying this particular cargo.

Continental Grain operates foreign ships through a network of subsidiaries and joint ventures.

The Louis Dreyfus Corp. is half owner of Gearbulk, a liner operation based in Norway.

Archer-Daniels-Midland announced that it is seeking a deal with the Soviet Union, trading American grain for Russian-flag ships.

I could go on and on and on, but I think the point the gentleman made just a moment ago is a compelling point. I wanted to elaborate just a moment.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Madam Chairman, I thank the gentleman for yielding time to me.

I rise in opposition to the amendment. The amendment is premised on an interesting notion that American cargo freight rates are excessive; they are too high.

Let us examine that. American cargo rates are too high if Members believe that American seamen who work on those ships should not have to pay taxes. But when we take their taxes into account, that amount doubles the rate.

The rates are too high, unless Members think that American seamen do not deserve the protection of American laws, health and safety laws, regulations on the hours they work, regulations that provide minimum wage protections, regulations that provide overtime protection. If my colleagues do not think those things are necessary, then obviously our rates are too high.

Our rates are too high if Members think that our liability laws are wrong, that we ought not have injury protection under the Jones Act for seamen who get injured on the job. Our rates are too high, in fact, if my colleagues think that American workers who work on our ships should not be entitled to the same protection as American workers who work on the land are provided with in this country.

It is not that American rates are too high, my colleagues, it is that foreign rates are much too low. If Abe Lincoln were alive today, he would bewriting an emancipation proclamation for most of the men and women who work on foreign ships.

If we pass this amendment capping cargo preference rates at twice the world rate, we are condemning more and more people to work at those rates and we are guaranteeing that more foreign ships operating with those slave labor rates, without protections of health and safety, minimum wage, overtime and all the other protections we provide for workers in America, we will make sure that more of those foreign ships are carrying more foreign goods sent from America destined to foreign ports, much of it aid to countries to help people who are starving around the world. If we think American foreign aid ought to travel on American ships, crewed with American workers and endowed with the protections that we place on the job sites here in America, then we ought to vote against this amendment.

This amendment kills cargo preference, make no doubt about it. It ensures that most foreign aid will travel on foreign ships, crewed with almost slave labor. We ought to defeat this amendment.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Madam Chairman, I urge the defeat of this amendment.

To listen to the critics, you would think that cargo preference is responsible for nearly all the ills that afflict us, from foreign export barriers to bad breath. It's just not true.

First, the vast majority of our ocean-borne imports and exports aren't even subject to cargo preference laws. Commercial shipments aren't affected in any form or fashion whatsoever.

All of our commercial grain exports—and that's the majority of our grain sales abroad—can and routinely do travel in foreign-flagged ships. Our commercially purchased oil imports aren't subject to cargo preference requirements.

We really need to clarify in this debate that these preference laws apply only to Government-impelled cargoes, cargoes that move in international commerce only because of Federal Government financing.

Not even all Government-generated cargoes must move on U.S.-flagged ships. For instance, as a result of a legislative compromise negotiated between maritime and agricultural interests and enacted in 1985, commodities shipped by the Department of Agriculture under market-oriented efforts such as the Export Enhancement Program are free to move entirely on foreign-flagged ships.

A substantial portion of those Government cargoes subject to the preference laws still move on foreign-flagged ships. For those nondefense Government cargoes subject to the cargo laws, the U.S.-flag carriage requirement is no more than 50 percent or 75 percent depending on the type of cargo. Even these requirements can be set aside, if a U.S.-flagged ship is not available or if it fails to offer a fair and reasonable rate.

We have relatively few programs promoting the American merchant marine, and the ones we have are relatively modest in cost. Do we really want to discard or undercut the programs that are in place, regardless of the consequences? If we choose policies that hasten the decline of our merchant fleet, where are we going to get American ships to support our defense and commercial needs? Do we want to watch with indifference as our body of experienced civilian mariners dwindles to numbers approaching insignificance?

During the Persian war, we relied primarily on American sealift to get our unit equipment, ammunition, and supplies to the war theater. Our merchant vessels answered the call. So did our civilian merchant mariners. Not only did they crew the privately-owned U.S.-flag vessels devoted to the sealift effort, they provided the manpower for

our military's prepositioned supply ships and our reserve vessels which were called up for service.

If we must respond to a future crisis with military force, the scenario is likely to be similar to the one in the Persian Gulf. There is no alternative: We will have to rely on sealift.

I do not buy the argument that this country does not need its own American ships and crews for defense and commercial purposes.

If there are inefficiencies in the administration of our Government-impelled cargo laws, fine—let us identify them and correct them. But let us reject the temptation to respond emotionally with hasty and poorly-thought-out proposals which were not even circulated to us until minutes ago. Let us vote down the amendment and stand with our American-flag merchant marine.

□ 1550

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, we all in this institution have the things that make us proud in the Congress, and those moments we feel we could do better. There is nothing that gives me more distress than Members who will come to the floor because of a regional interest or a local economic concern, but fail to rise to what is, in my judgment, an obvious and overriding national need.

This day is an example of that fact, because after 200 years of American ships plying the oceans of the world, delivering our troops, providing supplies, extending our economic reach, we have come to a near certain end unless cargo preference can be maintained and this legislation passed. Barely 40 years ago, 2,000 American ships dominated the trading routes of the globe. Today a bare 350 remain.

The last few American companies have given this Congress and the American people notice. Without assistance, those companies will take down the American flag and change their registry. After two centuries of American dominance of the seas, we will leave the world's oceans. The consequences could not be more profound, and indeed, are aptly illustrated in the Persian Gulf war alone. While American troops waited for the invasion of Iraq and Kuwait, Greek registry ships hesitated at the Persian Gulf, rebelling against entry into a war zone. American reserve ships broke down in the Mediterranean. Ships registered in Malta would not accept American cargoes, and American troops waited, because there were not enough ships of American registry to support our own soldiers in the field.

The CHAIRMAN (Ms. BYRNE). The time of the gentleman from New Jersey [Mr. TORRICELLI] has expired.

(On request of Mr. FIELDS of Texas and by unanimous consent, Mr. TORRICELLI was allowed to proceed for 2 additional minutes.)

Mr. TORRICELLI. Madam Chairman, it leaves the Members of this institution with this question: What if we had not had support from around the world? What if the 1973 war in the Middle East were replayed in America and Israel stood alone? What if our interest was at stake and we had no allies?

The world may be safer, but it is not secure. The fact is we do not have today a merchant fleet that can support those interests. But it will dwindle further.

Nor is it a military issue alone. The issue is also consistency of principle. This Congress is required for valid reasons, environmental protection of the highest standards in our fleet, protection for labor standards for those who would sail on our ships. Oh, we have got the best standards. We have insisted upon them. It is just that some Members do not want to use the ships, and the consequences are seen every day.

The principal environmental problems in New Jersey and Florida and California are foreign ships that dump their garbage and their fuel and their refuse on our beaches. Oh, we are for standards, but we do not want to use the American ships to comply with them, and we want the crews to be safe, but we would not think of using them.

There are issues that will get more attention, there are issues that will create more controversy, but none that I can think of in this Congress that will have a more lasting effect. A great tradition, the power of this country, our economic and military independence, are at issue.

I urge in the strongest sense support for the committee and defeat of the amendment. Believe me, the Members will return to this floor in moments of great national need and ask for the presence and the support of the American merchant marine. On that day they will think of this debate.

Mr. PENNY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I have listened to the argument here on the floor, and I would agree, we are suffering in both the maritime industry as well as the agricultural industry with overregulation. Obviously, I want to be very sensitive to tough times in the maritime industry, and certainly the tough times that inevitably agriculture is and will face in the future.

However, I would like to remind this body to look back at what happened this spring when the President had announced a Russian aid package. He announced that there would be some \$700

million or so available for Russian aid. At that time the shipping rates were comparably or relatively low, and then with time, after that announcement, we saw that the shipping rates started to escalate because of cargo preference. These were on American-flag ships.

The rules and regulations were staying the same, the salaries were basically the same. Nothing had changed except that the President had announced that he was going to provide a Russian aid package that was somewhere around \$700 million. As a result of that announcement, we saw that the shipping rates on American-flag vessels began to increase three or four times, in some cases maybe five times what they were previous to that announcement. That tells me that we have a need for this amendment to have a proposed cap on cargo preference of double the world's rate.

□ 1600

I do not think that is unreasonable.

Again, looking back at what happened this spring after that announcement when the cargo prices skyrocketed, there was only one ship that was lower than twice the prevailing world rate. The rest of them were greater than twice the world rate. Now what happens with the increase in shipping rates is that just means there is less grain that is going to be available to be shipped over, because more and more of those dollars that were appropriated to that program go to the shipping and the transportation costs of that grain. It means that there is going to be less grain that is going to be purchased from the agricultural sector, and as a result of that, that means less jobs for the agricultural sector.

After seeing the events of this spring, I am convinced more than ever that we need to have the Penny-Grandy amendment which would see that the American ships would not charge more than two times the world rate.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I thank the gentleman for yielding the time and for his leadership. I also thank the ranking minority member for his part in bringing this legislation to the floor.

Madam Chairman, I rise today in support of H.R. 2151, the Maritime Security and Competitiveness Act, and in strong opposition to the amendment offered by Representatives PENNY and GRANDY.

The Grandy-Penny amendment would mandate that American rates for preference cargoes can be no more than twice the world rate. This is an attempt to impose artificial price controls on American-flag ships in order to cut cargo preference costs. It is important to note that the world rate is set by foreign-flag vessels which are

crewed by seamen who earn as little as \$18 per day and work under horrendous labor conditions. The most effective way to cut cargo preference costs and promote the U.S. merchant marine is to introduce commercial practices into the program, as H.R. 2151 begins to do.

However, the Grandy-Penny amendment also strikes cargo preference administrative reforms contained in H.R. 2151 by deleting provisions which would base shipping contracts on commercial terms. The use of commercial terms, such as compensating the ship owner when the unloading of a vessel carrying Government cargo is delayed, encourages efficiency and helps to reduce shipping rates.

Madam Chairman, U.S.-flag vessels currently operate at a significant disadvantage to their foreign competitors. Foreign-flag shipbuilders and operators are not subject to the strong health, safety, and environmental standards which we have established. They pay lower wages and lower taxes than their U.S. counterparts. They playing field is tilted against vessels which sail under the U.S. flag. We need to take action in order to revive the U.S. merchant marine by passing H.R. 2151 without this amendment. I urge my colleagues to oppose the Grandy-Penny amendment.

Mr. FIELDS of Texas. Madam Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Madam Chairman, I want to thank the gentleman from Texas [Mr. FIELD], our ranking member on the Merchant Marine and Fisheries Committee, for granting me this time to wind up this very important discussion of a very important issue to a very basic industry of the United States of America. We have had some very illuminating statements here on the floor today from the gentleman from California [Mr. LANTOS] concerning national security and concerning Third World wages, the gentleman from North Carolina [Mr. ROSE] talking about who owns the foreign-flag ships to which cargo preference they opponents want to divert the cargo and, of course, the gentleman from Massachusetts [Mr. STUDDS] and from the gentleman from Texas [Mr. FIELD], the gentleman from Louisiana [Mr. TAUZIN] on the regulations, and from the gentleman from North Carolina [Mr. LANCASTER]. All of these have been in opposition to the Penny-Grandy amendment, and I go along with them.

I want to point out that the anticargo preference advocates do not represent the U.S. taxpayers, nor do they represent the family farmer. As has been said here today, they represent the agricultural conglomerates and the international grain brokerage houses owned by foreigners. That is important. They are the same companies which stand to benefit from the demise

of what is left of the U.S. merchant marine because they and their subsidiaries do own fleets of foreign-flag ships that already carry over 96 percent of all agricultural exports from this country as well as other commodities.

But that is not enough for these merchants of grain who not only fill their foreign bank accounts with billions of U.S. taxpayer subsidy dollars, but billions of dollars from the subsidy programs of other countries.

Madam Chairman, we must keep in mind that U.S. cargo preference requirements affect only 4 percent of all U.S. agricultural exports and about 9 percent of U.S. agricultural exports involving U.S. Government participation.

To obtain control of these small amounts of cargo, anticargo preference advocates cling to our Government's humanitarian program for the former States of the Soviet Union as reasons for eliminating cargo preference. We heard here today that the rates shot up when the President made an announcement. Let us talk about a couple of those rates that have not been quoted here today. One of them concerns one of the bids that was from a foreign-flag ship, a Cypriot ship, \$58.50 a ton. The U.S.-flag bid on that was \$54.20 a ton, cheaper by \$4.60.

But the foreign flag actually was granted favorable discharge terms and the U.S.-flag vessel was not. Let us talk about why United States-flag vessels are not granted favorable terms in Russian ports, because United States operators have to factor in uncertainties which foreign flags do not. The foreign operators are not subject to the Foreign Corrupt Practices Act. They cannot pay off in the Russian ports and other ports around the world, and thus avoid delays in ports. Their risk is far greater. That is one thing that has not been touched on today, what they have to do to get in, to cut down the time of demurrage.

One U.S.-flag vessel carrying American-donated grain was held up more than 28 days while foreign-flag ship after foreign-flag ship that came into port were moved ahead. That cost money. The U.S. shipowner must allow for that.

Now we have another problem with our own AID office and our own Agriculture office. They have a tendency to bunch cargoes into limited time periods which makes U.S. flag ships scarce and makes little use of long-term and consecutive voyage charters that mean predictability, efficiency, stability, and lower cost. They do not want it. I have been around this industry for a number of years, and I know what happens over at Agriculture and at AID as far as the merchant marine is concerned.

The U.S. maritime industry has been trying for years to obtain changes, but they have not been successful. The Congress even noted in the 1985 farm bill that such practices defy common

business sense. But like the well-known battery, they go on and on.

You know, we could have a little better management in our two agricultural agencies, the ones that send our cargoes overseas, and it would help both groups. Perhaps it would cut down on some of the subsidies to the agricultural industry and will help the American merchant marine as well.

Now let me talk about some of the ships that the anticargo preference people want to carry our cargo. Last year in December the Australian Government published this book, "Ships of Shame." That is the cover on it. This is a report from the Australian House of Representatives, Standing Committee on Transportation Communication and Infrastructure, and these are the kinds of ships on which they want our grain to be moved. The committee was told of the operation of unseaworthy ships, the use of poorly trained crews, crews with false qualification papers, or crews unable to communicate with each other or the Australian pilots, ships carrying false information, classification societies providing inaccurate information on certificates, flagships failing to carry out their responsibilities under international maritime convention, careless commercial practices by marine insurers, inadequate, deficient, and poorly maintained safety and rescue equipment, classification societies that readily class ships rejected by more reputable societies, beating of sailors by ships' officers, sexual abuse of young sailors, crews being starved of food, crew members being forced to sign dummy paybooks indicating they had been paid much more than they actually received, sailors being forced to work long overtime hours for which pay was refused, crew members being denied telephone contact with home when family members have died, sailors not being paid for several months, or remittances not being made to their families at home, sailors being denied medical attention, officers regarding crew members as dispensable, and crews being denied basic toilet and laundry materials.

So yes, we could go on and on to tell what they want, these people who are not telling the whole story to this Congress and to the American people. They are not telling about the conditions abroad. They are not telling about what is happening in Russian ports, and they are not telling what it is that causes the higher costs on American ships.

I have heard several Members of Congress here say limit the rate to four times or two times the world rate. I would like that Member of Congress to agree to receive the pay scale of twice the highest foreign-paid member of any legislature.

□ 1610

And if they will do that, then we will go along with them. So here we are: We have ships of shame. We have all of the opponents of cargo preference who want the U.S. Government to use these ships to ship food aid on these kinds of ships. I think it is very disturbing that this is what they have resorted to.

No, our colleagues who are opposed to cargo preference will never ever tell you of the bona fide reasons, no, and these same individuals will never ever tell you that their real constituents are the international agricultural magnates and the foreign ship-owners.

Madam Chairman, I hope my colleagues will vote down the Penn-Grandy amendment because it will certainly weaken this bill and its interests. We need to keep H.R. 2151 moving ahead in a positive channel.

Mr. PENNY. Madam Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Well, Madam Chairman, I guess if we are to believe this debate, the world trade is run not just by crooks but, worse, by foreign crooks and, without cargo preference, we would have lost the gulf war.

That may be true, but rather than dissemble about that, I would just point out that my farmers and Mr. PENNY's farmers and Mr. ALLARD's farmers and, I can guarantee you, Mr. ROBERTS' farmers, probably do not like Cargill or Dreyfuss any better than the gentlewoman does, the gentlewoman from Maryland [Mrs. BENTLEY].

But the fact of the matter is they do pay taxes, unlike many of the foreign ships, and their taxes are going to subsidize a rate of freight that it taking money out of their pockets. And so today we have a continuation of this debate.

But I want to stress again this is not about submerging the American merchant marine or even reducing the cost; it is about every entitlement debate that we have on this floor. It is limiting the growth.

And here is what we intend to limit: This is a chart that shows the monthly U.S.-flag crew costs by billets of cargo preference vessels, 4-A power-rated vessel.

Madam Chairman, the master billet, which I grant you is usually held by more than one individual, is \$44,000 a month. Base pay is \$8,500 a month. That is more than a Navy captain makes. The overtime, \$13,000; benefits, \$22,000.

Now, granted this does not represent just one individual. But let us say there are six masters for this billet. They he would make \$16,000 a year, which is more than the mean family income of the average family of the United States.

This is a debate about cost containment. This is not about national secu-

rity. Do not take my word for it; this is what the Department of Defense said. They have already said, as I said earlier in my remarks, that the issue of the two major U.S.-flag container ship operators disposing of their U.S.-flag fleets is primarily an economic policy issue rather than a national security issue, and should be treated accordingly. Hence, we are at this place today.

The Vice President's National Performance Review recommended preliminarily to get rid of the Jones Act, to get rid of cargo preference, to get rid of the antitrust exemption for maritime carrier conferences, which set rates and services, but then they relented and they said, "No, be kinder and gentler, have a commission." Yet we are agreeing to a new level of subsidy without having seen the report, without having had the Maritime Commission making this study public. And yet with all of that, Mr. PENNY and I only ask that we limit the growth of this to twice the world rate, a good deal by any standard.

This poor guy is only going to make \$4,000 a month. That is what is at issue today, not whether or not we are going to fall prey to foreign nations whose merchant marines are stronger than ours or that somehow our national security is going to be submerged beneath this veil of subsidies.

I ask the people who have risen today and so strongly defended our military and our defense capability, where are they when we debate defense appropriation bills? Where are they when we are talking about new money for submarines and new money for troops and strategic defense initiative?

This is not about national security; this is about cost containment for Federal programs that have grown too big too fast and we have made a practice in this Congress finally in this session of cutting back on the growth of these programs.

Madam Chairman, I reiterate, agriculture has gone first and led the way; the honey program, the wool and mohair program, grazing fees. And there is more to come. We will no doubt start means testing commodity programs maybe in this session but surely in the next one. People in agriculture are prepared to do that. They have already downsized their burden.

Somebody talked earlier about the relative weight of agricultural subsidies versus merchant marine, when we know we make more than merchant marine, there are more of us. But when I came to the Congress, the average agriculture subsidy annually was about \$52 billion a year; \$26 billion a year to commodity programs. Now it is somewhere around \$12 billion.

The rate of deceleration in agriculture outstrips all other cost-cutting programs in Congress.

Finally, let me just say that my friend from Texas [Mr. FIELDS] made

reference to the agreement on cargo preference that was forged in the 1985 farm bill. And I want to refer to that because this amendment in no way compromises that agreement.

The intent of that agreement in the 1985 farm bill was to establish a fair and equitable arrangement to allow the products to be shipped on the basis of the lowest landed cost by the most efficient means. That is what the Penny-Grandy amendment is trying to enforce.

But the present condition of the merchant marine in the United States is this: \$44,000 a month for a sea captain.

Mr. PENNY. Madam Chairman, I yield back the balance of any time.

Mr. STUDDS. Madam Chairman, I yield myself such time as remains.

Madam Chairman, as a quick aside, I do not really believe anyone thinks that a master is paid \$44,000 a month. If Members are interested, that number is achieved by taking the total cost of the maritime program and dividing by the number of personnel. By the same logic, you could take the total amount of money spent by the Department of Defense and divide that by the number of personnel and you come up with something like \$125,000 for a soldier. Obviously, the arithmetic is faulty.

Madam Chair, his really is a historic moment; the future or whether or not there will be a future of the U.S. merchant marine is at stake. We have a President and we have the bipartisan leadership of this committee and this Congress, and bipartisan membership of this committee and this Congress determined that there will be a U.S.-flag merchant fleet and that there will be the capacity to build vessels for that fleet in this country.

Every maritime nation has a cargo preference law. We have a three-part effort here to try to revive the merchant fleet. One part is our maritime security payments; another part is our shipbuilding program; and the third leg of this is the cargo preference. You pull any of these legs out, and you destroy the program.

Consequently, though it may not be the intent of this amendment, it would indeed destroy the program.

The real question, Madam Chair, is whether or not this Nation is going to have a merchant marine. Is it conceivable that the world's only remaining superpower could find itself without a single vessel carrying its flag in international commerce on the high seas and without the capacity to build a single such vessel?

□ 1620

Madam Chairman, it is not only conceivable, that is predictable, if this Congress, if this President are not together successful in this legislation and its companion legislation in revitalizing the merchant marine.

In that event, Madam Chairman, the world's greatest superpower would be

the world's greatest super patsy and it would be unthinkable for us to find ourselves in that position.

Madam Chairman, I yield to the unthinkable distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Madam Chairman, I thank the gentleman for yielding to me. I thank the gentleman for his presentation. The gentleman has said it all.

Madam Chairman, I rise in strong opposition to the amendment. It would destroy this bill that has been worked out and carefully crafted.

The gentleman's leadership has shown the way to I think reestablish the merchant marine fleet of this great United States of ours.

Without the three legs of this stool we have nothing. So I urge my colleagues to vote "no" on this amendment. All I can say, it is time to get on with the show and get this job done.

Mr. TORRICELLI. Madam Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Madam Chairman, the gentleman made a point that has not otherwise been put forward in the debate, and that is people think that only the United States has a cargo preference law.

The chairman noted that indeed our economic competitors, the French, the Koreans, the Chinese, the Japanese, all have cargo preference laws, that indeed if the amendment succeeded we would find ourselves not simply at a disadvantage, but disarmed in the competition for having merchant fleets carrying cargoes in the world.

Mr. STUDDS. Madam Chairman, I say to the gentleman, at comparable rates, we can compete with the French and the Germans. We have a little trouble matching the Bangladeshi rates.

Madam Chairman, I salute the bipartisan nature of the support for this bill, and I look forward to being here when we can say some day that the flags are flying both in our shipyards and on our vessels.

Mr. BONIOR. Madam Chairman, the real purpose of the Grandy-Penny amendment is not to cut shipping cuts. The real purpose of this amendment is to drive the American merchant marine out of business.

Mr. Speaker, if you read a history book about how America became the richest nation on Earth, it will tell you three things.

First, it will tell you that we got rich because we were blessed with some of the finest natural resources in the world.

Second, it will say we took those resources and combined them with the best-trained workforce in the world to produce the world's best products.

And third, it will tell you we could ship those products anywhere, because we had the best merchant marine on the planet.

We didn't rely on Panamanian vessels to ship our products. We didn't rely on Chinese tankers to carry our goods.

And we certainly didn't rely on Liberian ships to carry our military into battle.

We weren't at the mercy of foreign countries, foreign flags, or foreign ships.

We had the No. 1 merchant marine in the world. And that's what made us strong.

And if we're going to remain strong and be competitive in the global market, we can't afford to be at the mercy of foreign flags.

We've got to keep our commercial fleet strong.

Mr. Speaker, this amendment takes us in the wrong direction.

Over the past 30 years, we've let our competitive advantage erode. We've slipped from No. 1 in the world to No. 14.

Why? For one reason: Because we can't compete with subsidized foreign interests.

We can't modernize to stay ahead of the game. So we've fallen further behind.

Mr. Speaker, have you ever wondered why foreign flags always come in with such low bids?

The Australian Government wondered why. Last year, the Australians looked into the shipping industry.

I think the name of the report says it all. It's called "Ships of Shame."

They found that the reason many foreign ships can bid low is because they ignore workers rights and safe working conditions.

Australia found that in the past 4 years, ships were so badly maintained that 44 ships and 342 lives have been lost at sea.

They found case after case where seafarers were abused and exploited by officers.

They found that many ships keep two pay books: one for official records, and one for lower, actual pay.

Mr. Speaker, no wonder many of these low-wage foreign-flag ships are registered under what are known as ships-of-convenience. Because these shipowners aren't complying with inconvenient health, safety, labor, and environmental standards.

Mr. Speaker, our maritime industry is more expensive because they are the safest, best-trained commercial fleet in the world.

That's the price you pay for quality.

Shouldn't we be on the side of safe ships and able crews, rather than selling out to the lowest bidder at any cost?

There are those who ask: Why is it so important to maintain a fleet? Why don't we just rely on the Germans or the Greeks?

I have a two-word answer for that question: *Eagle Nova*.

Two years ago, during the gulf war, we called on a German vessel called the *Eagle Nova* to ship supplies to our troops.

Do you remember what happened? They refused to go. The German ship wouldn't sail into the war zone.

Luckily, we had an American crew to call in. And they got the job done.

Mr. Speaker, that's just one incident.

But if we allow our maritime industry to disappear, there won't be an American ship to call on the next time. What do we do then?

I don't think the American people want to rely on Liberian vessels to carry our tanks and our ammunition into battle.

One of the reasons we need cargo preference laws is to make sure American ships are there when our military needs them.

This isn't just about national pride, Mr. Speaker, it's about national security.

If we don't continue to support our commercial fleet, I think we'll be giving away a vital part of America's security.

Mr. Speaker, for 200 years, America has been a maritime Nation. We became a great and powerful Nation in part because we had a strong merchant marine.

And we can't afford to abandon that great tradition now to save a few dollars in the short term. Because if we do, we're going to hurt this Nation for decades to come.

I urge my colleagues: Save our ships. Oppose this amendment. And support the bill.

Mr. ORTIZ. Madam Chairman, I rise in strong opposition to the Penny-Grandy amendment. I understand the intentions of my colleagues who are offering this amendment, but I do not believe it serves the purposes it intends.

Like most of my colleagues, I too believe that taxpayer-funded foreign aid cargo should be transported on American ships by American crews.

Furthermore, cargo preference provides an essential margin of cargo that allows U.S.-flag vessels to compete internationally, thus preserving and maintaining our merchant fleet and the vital defense and economic purposes that it serves.

The problem is that for our fleet to compete with foreign flags of convenience for the transport of these cargoes, at times, they need protection from our Government.

The American flag industry is the most heavily regulated in the world. Besides the costly health, safety, and environmental regulations that U.S.-flag vessels must comply with, our crews must be paid developed country wages. Federal and State income taxes alone nearly doubles the cost of using American crews.

This makes it very difficult for U.S. operators to compete with foreign flags of convenience that pay crewmembers roughly \$18 a day.

Contrary to what my colleagues supporting this amendment are saying, U.S. carriers are not gouging the Government under this program, and placing caps on cargo preference rates will only serve to eliminate the ability of our fleet to continue to carry these cargoes.

The Secretary of Transportation already requires that cargoes and rates be fair and reasonable, otherwise foreign flagships may be used. H.R. 2151 goes on to require the adoption of proven commercial terms that will reduce regulatory burdens and lower the cost of the program.

Caps will only serve to propel foreign flag-of-convenience operators to undercut U.S. rates until U.S.-flag ships can no longer viably carry this cargo.

I urge my colleagues to oppose this amendment and to support this vital piece of legislation without further changes, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRANDY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 309, not voting 20, as follows:

[Roll No. 546]

AYES—109

Allard	Hamilton	Paxon
Archer	Hancock	Payne (VA)
Armey	Hansen	Penny
Bachus (AL)	Hastert	Peterson (MN)
Ballenger	Hilliard	Petri
Barrett (NE)	Hoagland	Porter
Barton	Hoekstra	Portman
Bereuter	Hoke	Poshader
Boehner	Houghton	Ramstad
Bonilla	Hyde	Roberts
Boucher	Istook	Roemer
Burton	Jacobs	Rohrabacher
Buyer	Johnson (SD)	Romero-Barcelo
Carr	Johnson, Sam	(PR)
Castle	Kasich	Roth
Collins (GA)	Klug	Royce
Combest	Knollenberg	Sensenbrenner
Condit	Kolbe	Sharp
Cooper	Kyl	Shuster
Costello	LaRocco	Skeen
Cox	Leach	Skelton
Crane	Lewis (FL)	Slatery
Danner	Lightfoot	Smith (IA)
de la Garza	Linder	Smith (MI)
Deal	Long	Smith (OR)
DeLay	Manzullo	Smith (TX)
Durbin	McCandless	Stenholm
Emerson	McCloskey	Stump
English (OK)	McHale	Thomas (CA)
Ewing	Meyers	Thomas (WY)
Fawell	Minge	Upton
Glickman	Montgomery	Walker
Goodlatte	Myers	Williams
Goodling	Nussle	Young (FL)
Grams	Orton	Zeliff
Grandy	Oxley	Zimmer
Gunderson	Parker	

NOES—309

Abercrombie	Collins (IL)	Gallegly
Ackerman	Collins (MI)	Gallo
Andrews (ME)	Conyers	Gejdenson
Andrews (NJ)	Coppersmith	Gekas
Andrews (TX)	Coyne	Gephardt
Applegate	Cramer	Geren
Bacchus (FL)	Crapo	Gibbons
Baker (CA)	Cunningham	Gilchrest
Baker (LA)	Darden	Gillmor
Barca	de Lugo (VI)	Gilman
Barcla	DeFazio	Gonzalez
Barlow	DeLauro	Gordon
Barrett (WI)	Delums	Goss
Bartlett	Derrick	Green
Bateman	Deutsch	Greenwood
Becerra	Diaz-Balart	Hall (OH)
Bentley	Dickey	Hall (TX)
Bilbray	Dicks	Hamburg
Bilirakis	Dingell	Harman
Bishop	Dixon	Hastings
Blackwell	Doolittle	Hayes
Bliley	Dornan	Hefley
Blute	Dreier	Hefner
Boehlert	Duncan	Hinchey
Bonior	Dunn	Hobson
Borski	Edwards (CA)	Hochbrueckner
Brewster	Edwards (TX)	Holden
Brooks	Engel	Horn
Browder	English (AZ)	Hoyer
Brown (CA)	Eshoo	Huffington
Brown (FL)	Evans	Hughes
Brown (OH)	Everett	Hunter
Bryant	Farr	Hutchinson
Bunning	Fazio	Hutto
Byrne	Fields (LA)	Inglis
Callahan	Fields (TX)	Inhofe
Calvert	Filner	Inslee
Camp	Fingerhut	Jefferson
Canady	Fish	Johnson (CT)
Cantwell	Foglietta	Johnson (GA)
Cardin	Ford (MI)	Johnson, E. B.
Clay	Ford (TN)	Johnston
Clayton	Fowler	Kanjorski
Clement	Frank (MA)	Kennedy
Clinger	Franks (CT)	Kennelly
Clyburn	Franks (NJ)	Kildee
Coble	Frost	Kim
Coleman	Furse	King

Kingston	Neal (NC)	Slaughter
Klecza	Norton (DC)	Smith (NJ)
Klein	Oberstar	Snowe
Klink	Obey	Solomon
Kopetski	Oliver	Spence
Kreidler	Ortiz	Spratt
LaFalce	Owens	Stark
Lambert	Packard	Stearns
Lancaster	Pallone	Stokes
Lantos	Pastor	Strickland
Lazio	Payne (NJ)	Studds
Lehman	Pelosi	Stupak
Levin	Peterson (FL)	Sundquist
Levy	Pickett	Swett
Lewis (CA)	Pickle	Swift
Lewis (GA)	Pombo	Synar
Lipinski	Pomeroy	Talent
Livingston	Price (NC)	Tanner
Lloyd	Pryce (OH)	Tauzin
Lowe	Quillen	Taylor (MS)
Machley	Quinn	Taylor (NC)
Maloney	Rahall	Tejeda
Mann	Rangel	Thompson
Manton	Ravenel	Thurman
Margolies	Reed	Torkildsen
Mezvinisky	Regula	Torres
Marky	Reynolds	Torricelli
Martinez	Richardson	Towns
Mazzoli	Ridge	Trafficant
McCollum	Rogers	Tucker
McCrery	Ros-Lehtinen	Underwood (GU)
McDade	Rose	Unsold
McDermott	Rostenkowski	Valentine
McInnis	Roukema	Velaquez
McKinney	Rowland	Vento
McMillan	Roybal-Allard	Visclosky
McNulty	Rush	Volkmer
Meehan	Sabo	Vucanovich
Meek	Sanders	Walsh
Menendez	Sangmeister	Washington
Mfume	Santorum	Waters
Mica	Sarpaluis	Watt
Miller (CA)	Sawyer	Waxman
Miller (FL)	Saxton	Weldon
Mineta	Schaefer	Wheat
Mink	Schenk	Whitten
Moakley	Schiff	Wilson
Mollinari	Schroeder	Wise
Mollohan	Schumer	Wolf
Moorhead	Scott	Woolsey
Moran	Serrano	Wyden
Murphy	Shaw	Wynn
Murtha	Shays	Yates
Nadler	Shepherd	Young (AK)
Natcher	Siskis	
Neal (MA)	Skaggs	

NOT VOTING—20

Baessler	Flake	McHugh
Bellenson	Gingrich	McKeon
Berman	Gutierrez	Michel
Bevill	Herger	Morella
Chapman	Kaptur	Thornton
Dooley	Laughlin	
Faleomavaega (AS)	Matsui	
	McCurdy	

□ 1642

Mrs. THURMAN and Messrs. KIM, PALLONE, and HOBSON changed their vote from "aye" to "no."

Messrs. COSTELLO, BACHUS of Alabama, HOAGLAND, HILLIARD, GLICKMAN, and CARR of Michigan changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. POMEROY. Madam Chairman, the debate over cargo preference has long been one of the most rancorous and parochial in Congress. However, as the Representative from North Dakota, a State whose economy is dependent upon agriculture, I rise in opposition to the Penny-Grandy amendment to the Maritime Security and Competitiveness Act, H.R. 2151.

As a member of the Agriculture Committee, I am wholeheartedly committed to promoting U.S. agricultural exports. I also believe that it

is in the U.S. national interests to preserve a capable fleet of American-flagged, oceangoing vessels. Today, Members have the opportunity to support both, by voting against the Penny-Grandy amendment and preserving the cargo preference compromise.

Madam Chairman, the current cargo preference law written into the 1985 farm bill and reaffirmed in the 1990 farm bill, represents an important compromise designed to preserve the U.S. maritime shipping industry. The Penny-Grandy amendment would upset this compromise and would effectively eliminate the cargo preference program.

In the 1985 farm bill, the maritime industry agreed to the withdrawal of preference from commercially oriented agriculture promotion programs, such as the Export Enhancement Program, and the agriculture industry agreed to support the expansion of preference applicable to concessional food aid programs from 50 to 75 percent. Since 1985, concessional food aid programs have declined while commercially oriented agricultural promotion programs have increased dramatically. In 1985, the ratio of aid to commercial programs was 3 to 1. In 1992, that ratio jumped to 9 to 1. Further perspective is provided when you consider that only 4 percent of U.S. agricultural exports are transported on U.S.-flagged vessels.

Madam Chairman, despite what proponents of this amendment may tell you, cargo preference is not an either-or proposition—either you support U.S. agricultural exports or you support the U.S. maritime industry. I urge my colleagues to support both by voting against the Penny-Grandy amendment and preserving cargo preference.

Mr. BORSKI. Madam Chairman, I rise today to express my strong support for H.R. 2151, the Maritime Security and Competitiveness Act of 1993. This legislation is needed to reform the U.S. maritime industry, revive the U.S. shipbuilding industry, and preserve and create hundreds of thousands of good American jobs.

Madam Chairman, over the last few decades, our maritime industry has suffered a long, bitter decline. In 1960, the U.S. privately owned oceangoing merchant fleet ranked fourth in the world with over 1,000 ships. Today, the United States fleet consists of only 384 ships and is ranked 16th in the world behind countries like Cyprus, Liberia, Panama, Malta, and China. America also used to be the world's leader in shipbuilding—now we rank 24th in the world.

During this decline, the number of jobs in the maritime and shipbuilding industries dropped significantly. In 1981, our Nation's shipyards employed 186,700 men and women. Ten years later, 50 of these shipyards are no longer operating, and shipyard jobs fell to 129,300. Because of defense downsizing, 180,000 current shipbuilding jobs are at risk if nothing is done to reverse the decline.

Meanwhile, our foreign competitors have continued to engage in unfair trade practices. A September 1993 report issued by the U.S. Maritime Administration illustrates the extent to which other countries subsidize their merchant fleets. Of the 57 maritime countries studied by the report, 38 provide tax benefits, 23 practice cargo preference, 24 provide assistance through customs measures, 20 subsidize com-

mercial vessel construction, and 15 provide export assistance. Without serious reform of our Nation's maritime promotion programs to enable the U.S.-flag fleet to compete successfully against these practices, our merchant marine may face extinction by the end of the decade.

H.R. 2151 gives Congress the opportunity to step forward and reverse the decline in the maritime industry. This legislation would authorize the Maritime Security Fleet Program to help offset the higher operating costs of U.S.-flag merchant vessels needed for the national and economic security of our country. It also authorizes the Series Transition Payments Program to assist the U.S. shipbuilding industry convert from building naval vessels to building commercial vessels.

H.R. 2151 will create and preserve jobs, while at the same time preserving the vital defense capability of this Nation. It will allow workers in the U.S. maritime and shipbuilding industries to compete on a level playing field with their foreign counterparts. On the other hand, failure to enact this measure will result in further decline and loss of jobs in the U.S. maritime and shipbuilding industries.

Madam Chairman, I am proud to be a cosponsor of H.R. 2151, and I commend Chairman STUDDS for his hard work on this effort. This legislation is essential for our country, and I urge my colleagues to support it.

Mr. SMITH of New Jersey. Madam Chairman, as a cosponsor of the Maritime Security and Competitiveness Act of 1993, I rise today to urge my colleagues to strongly support this necessary reform measure.

In 1960, there were over 1,000 privately owned U.S. merchant ships. Today, we are down to 384 U.S. ships. To continue to be an economic and military superpower, we must preserve and rebuild our oceangoing commercial fleet.

Without the swift enactment of this bill, thousands of jobs across the United States could be at-risk. Madam Chairman, the highly skilled and experienced jobs in shipbuilding and the maritime trades could be lost to foreign competitors if the U.S.-flagged merchant fleet ceases to exist. These jobs, and the infrastructure which supports our merchant marine, are vital to the long-term health of our economy. H.R. 2151 must be part of our strategy to preserve our merchant fleet and to protect American jobs.

In times of crisis, American-flagged ships, crewed by American citizens, are the most reliable and capable means of transporting military cargo. We learned these lessons during the gulf war, when foreign carriers refused to enter the Persian Gulf. Our U.S. merchant fleet, however, accepted its orders and moved vital military hardware into harms way without delay. H.R. 2151 can help ensure that our merchant marine remains on call for such emergencies.

Madam Chairman, H.R. 2151 will eliminate many of the burdensome regulations which increase cost for U.S.-flag ships and weaken our ability to compete with foreign carriers. I regret that these competitive disadvantages and certain unfair foreign trade practices will leave U.S. carriers no alternative. Without the added flexibility that is provided by this legislation, they will cease to operate or switch to foreign flags.

Madam Chairman, I hope Members understand that it would not be in the best interest of the United States if all of our imports and exports were carried by foreign ships. Since 95 percent of our trade is already transported by foreign ships, these overseas competitors can easily dictate shipping charges at will and could rapidly weaken our ability to compete in the global economy. At a time in history when international trade is becoming increasingly important, we cannot afford to shoot ourselves in the foot by allowing foreign shippers to handle all of our goods.

This is a bipartisan measure, supported by the entire U.S. merchant marine industry. It deserves your vote. It will help build confidence, and in turn, encourage greater private investment and modernization in the U.S. merchant marine.

Mrs. FOWLER. Madam Chairman, I rise today in support of the Maritime Security and Competitiveness Act of 1993, a bipartisan effort to reform this country's vessel operating subsidy program so that U.S.-flag vessels are able to compete in the international market.

H.R. 2151 would deregulate merchant vessel operations by eliminating many arduous requirements placed on American shipping companies in the mid-1930's.

It is crucial that we pass this legislation to preserve jobs in the maritime industry. Two American companies have already requested permission to reflag their ships to foreign registry in an attempt to become more competitive in the international marketplace. Thousands of American jobs would be lost if these companies reflagged and we would also lose our position as the world's largest maritime trading force.

I urge my colleagues to consider the consequences voting against H.R. 2151 would have on this country. The American shipbuilding industry has a major impact on both the national economy and regional employment. Unless we vote today to preserve our domestic shipbuilding industry, in the next 10 years over 189,000 American jobs could be lost forever.

Again, I urge my colleagues to vote in favor of the Maritime Security and Competitiveness Act of 1993, and saving our American maritime industry.

Mr. BARLOW. Madam Chairman, the Maritime Security and Competitiveness Act of 1993 was introduced by the bipartisan leadership of the Merchant Marine and Fisheries Committee and reported with bipartisan unanimous support on August 5. It is supported by the U.S. maritime industry and should be supported and adopted by the House of Representatives as reported.

H.R. 2151 does not mandate the expenditure of Federal funds. Rather, it puts in place a new statutory and regulatory framework for the U.S. merchant marine which will be implemented only when Congress and the administration agree on a funding level and mechanism. It is critically important to enact H.R. 2151 at this time so that decisions on funding can be made in the context of a new maritime policy.

The new maritime policy contained in H.R. 2151 represents a dramatic departure from business as usual for the U.S.-flag merchant marine. In fact, H.R. 2151:

Significantly increases operating flexibility for U.S. vessels, eliminating numerous unnecessary and outdated Government-imposed rules and regulations which increase costs to the vessel operator;

Significantly reduces the cost to the U.S. Government of supporting the U.S.-flag merchant marine by reducing and limiting the amount of subsidy available for each vessel; and

Significantly improves the efficiency and cost effectiveness of the existing cargo preference program by requiring the Government and the industry to adopt numerous administrative reforms.

H.R. 2151 achieves these and other equally important national economic and security objectives in the following ways:

It authorizes the creation of a maritime security fleet of U.S.-flag, U.S.-crewed vessels to enhance the sealift capability of the United States, to increase the competitiveness of U.S.-flag vessel operations, and to preserve and create American maritime jobs.

It authorizes the Secretary of Transportation to enter into 10-year operating agreements with U.S.-flag vessel operators and to provide U.S. Government assistance to help U.S. vessels compete internationally.

It creates a new program for the construction of commercial vessels in U.S. shipyards. To facilitate the transition from military to commercial vessel construction and to respond to foreign shipbuilding subsidies, it authorizes the Secretary to award a series transition payment to American yards to equalize the cost between U.S. and foreign construction. If funds are unavailable, foreign-built vessels could operate under the new program.

It eliminates various regulatory provisions which decrease U.S.-flag vessel competitiveness, including the existing requirements that American vessels operate only on Government-approved trade routes; that vessels brought under the U.S. flag wait 3 years before having eligibility to carry Government cargoes; and that Government approval is necessary to replace one American flag vessel with another.

H.R. 2151 is bipartisan; it is comprehensive; and it is constructive. It will help rebuild our merchant marine and make it more competitive. H.R. 2151 deserves your strong support and the support of everyone concerned about America's maritime capability. It is vital to the future of America's maritime capability.

Mr. WALSH. Madam Chairman, I rise today in support of H.R. 2151. I support the bill because it will give us back some of the valuable shipyard and manufacturing jobs that America has lost over the last decade. About 50 shipyards have closed since 1981, resulting in the loss of 120,000 shipyard and shipyard supplier jobs. If that trend continues, combined with the decrease in U.S. Navy contracts, 180,000 jobs in the U.S. shipbuilding, ship repair, and manufacturing industries will also be lost. H.R. 2151 addresses the need to recapture the American shipbuilding jobs.

It goes without saying that we cannot afford to lose one more merchant mariner in this country. All the ships in the world don't mean anything if you do not have trained and, most important, loyal U.S. merchant mariners to man them. This is an American jobs bill, and

I urge my colleagues to stand with me in support of H.R. 2151.

Mr. ENGEL. Madam Speaker, I rise in support of H.R. 2151, the Maritime Security and Competitiveness Act. This legislation is very important to the U.S. maritime industry.

It is very important for us to help maintain a viable U.S. merchant marine fleet. In the past 30 years, the number of U.S.-flagged vessels has gone from 51,000 to 9,150. The maritime industry is very important to the security of the United States and we must work to protect it. H.R. 2151 does this by providing a new vessel operating subsidy program under which operating assistance would be provided to help maintain an active commercial fleet of U.S.-flag ships.

Additionally, I rise in opposition to the Penny-Grandy amendment that would amend our cargo preference requirements. Currently, the Transportation Department can accept any U.S.-flag bid it considers to be fair and reasonable. Elimination of cargo preference will further hurt our shipping industry by making it harder for our ships to compete with foreign competitors. We are already being undercut by competitors who flag their ships in Third World countries and therefore pay extremely cheap labor.

It is important for us to maintain our maritime industry. We cannot afford to lose more maritime ships. I urge my colleagues to defeat the Penny-Grandy amendment and support the Maritime Security and Competitiveness Act.

Mr. TAUZIN. Madam Chairman, I rise in support of H.R. 2151 and urge its passage. Reform of our maritime support programs is vital for the continued maintenance and development of the U.S. merchant marine, the Nation's essential fourth arm of defense.

I also rise to clarify the purpose and effect of an amendment adopted without dissent that I offered during markup, and to put in context a related section of the bill.

Under title V of the Merchant Marine Act, 1936, the Government has provided construction differential subsidy to allow U.S.-built vessels to compete with lower cost foreign-built vessels in the foreign trades. As a condition of receiving that subsidy, section 506 of the 1936 act requires that such vessels operate exclusively in the foreign trades, with certain limited exceptions incidental to foreign service. In enacting this provision, Congress believed it would be a waste of Federal tax dollars as well as fundamentally unfair to allow the subsidized vessels to operate in the domestic trades, which, under the Jones Act, are reserved solely for unsubsidized, U.S.-flag vessels.

Some debate has arisen as to whether the foreign trading obligation expires when a subsidized vessel has reached a specified age or whether it continues for the entire economic life of the vessel. H.R. 2151 does not amend the basic text of section 506. Two provisions of the bill, however, do alter the specific application of the existing section 506 restrictions for two groups of vessels.

The first provision appears in section 4 of the bill, which adds a new subsection (b) to section 506. The ODS contracts on most CDS tankers and dry bulk vessels expire when they reach 20 years of age. For CDS tankers and

dry bulk vessels built in series, however, their ODS contracts expire 20 years from the delivery of the first members of the series, with the result that later vessels in the series are left without subsidy although they have not reached the age of 20. As originally drafted, the bill in addressing this problem would have had the unintentional consequence of completely removing the foreign trading obligation from all CDS-built tankers and dry-bulk cargo vessels as soon as their ODS contracts expire. My amendment, adopted without dissent by the committee, places CDS tankers and dry bulk vessels built in a series on a par with other CDS tankers and dry bulk vessels reaching that age are free to leave the foreign trade. As the committee report emphasizes, that issue is to be decided on the basis of the original congressional intent. In short, as adopted my amendment does not alter the original foreign trading restrictions of section 506.

The second provision adds a new section 512 to the 1936 act. The new section would, among other things, eliminate the foreign trading restrictions of section 506 for CDS-built liner vessels when they reach 25 years of age. The committee's report makes clear that this section does not change or otherwise affect the applicability of these restrictions to other vessels, such as tankers, or to liner vessels themselves if this section is not enacted into law. The removal of the foreign trading restrictions for liners was part of a compromise agreed to by the various segments of the liner industry, both subsidized foreign trade operators and unsubsidized domestic trade operators, which places definite offsetting limitations on entry into the noncontiguous domestic trades by operators of vessels enrolled in the new operating subsidy program established under section 3 of the bill. As the committee report emphasizes, section 5 is not intended to otherwise alter the existing scope of the foreign trading restrictions.

Mr. BERUTER. Madam Chairman, this Member strongly opposes H.R. 2151, the Maritime Security and Competitiveness Act of 1993. This legislation is the continuation of a failed maritime policy, which—to quote a recent op-ed article from the *Journal of Commerce*—hurts our "economy and punishes consumers, producers, exporters, importers and taxpayers. Present Maritime policy, in fact, is a hodgepodge of subsidies, protectionism, regulation and taxation that makes a mockery of sensible industrial policy."

This legislation unjustifiably claims that Congress supports one aspect of this legislation, the cargo preference program, because it is critical to the economic and national security of the United States and because it encourages competition among U.S.-flag vessels. Mr. Chairman, such a claim could be believed only by a ship of fools.

Madam Chairman, cargo preference does not promote competition; instead, it eliminates competition by guaranteeing the 75 percent of U.S. food assistance be shipped on U.S.-flagged ships. In April, immediately after President Clinton offered \$700 million in food assistance to Russia, United States shippers doubled or tripled their normal shipping rates. In many circumstances, U.S. rates exceeded world rates by 300 to 500 percent. This egregious price gouging of the U.S. Government

denied needy Russians essential agricultural commodities and ended up costing the U.S. taxpayer \$100 million in hidden subsidies.

Madam Chairman, this spring, the Journal of Commerce reported that United States transportation costs now exceed the value of grain shipped to Africa. It stated that approximately \$450 million of grain cost \$488 million to transport from the United States to the starving and malnourished people of the African continent. Clearly, these two dramatic examples of food shipments to Russia and Africa reveal that real maritime reform is necessary.

Earlier this year, Vice President GORE's National Performance Review task force recognized the need for real reform and recommended the end to Federal subsidies and the complete deregulation of the maritime industry. Unfortunately, this legislation ignores Vice President GORE's recommendation to achieve real maritime reform. Rather, it only ensures that "America's welfare queen fleet"—a phrase used by a former Maritime Commissioner—will remain at the trough of the Federal Treasury for years to come.

Fortunately, Madam Chairman, my distinguished colleagues from Iowa, Representative GRANDY and Minnesota Representative PENNY have offered today a reasonable and commonsense amendment to this terrible legislation. While this Member believes it does not go far enough, this amendment renders a disastrous policy less harmful. Most importantly, this amendment limits the transportation costs of government mandated cargoes to twice the world competitive rate and it gives the Secretary of Transportation the authority to waive cargo preference requirements if U.S. vessels are not available to service a port. Finally, this amendment would help to ensure that United States taxpayers are not paying for the exorbitant price gouging we witnessed in food aid shipments to Russia.

For these reasons, this Member strongly supports the Penny-Grandy amendment to the Maritime Security and Competitiveness Act of 1993. This Member urges his colleagues to also support this reasonable amendment.

Ms. FURSE. Madam Chairman, I rise today in strong support of H.R. 2151, the Maritime Security and Competitiveness Act. I want to thank all the members and staff of the Merchant Marine and Fisheries Committee for their hard work on this bill, particularly Chairman STUDDS and the chair of the Merchant Marine Subcommittee, Mr. LIPINSKI. I am a proud original cosponsor of H.R. 2151. As a member of the Armed Services Committee as well as having the honor of serving on the Merchant Marine and Fisheries Committee, I know how important it is to our national security to preserve and enhance our sealift force, and maintain an international commercial transportation capability. H.R. 2151 is designed to address two gaping holes in the security of America: one in our defensive structure and one in our economic base.

As a Congresswoman from Oregon, I don't have to tell you how important the maritime industry is to my community. The coastal areas and the Columbia River are a vital cog in the local economy of my district, as well as playing a huge role in the heritage of the region. The people who make their living in the merchant marine have a proud heritage of mari-

time tradition that dates back to the earlier days of our country. There are thousands of people who have lost their jobs, and thousands more still struggling to make ends meet as a result of the massive decline the maritime industry has suffered since the neglect which began in 1981. To all Members of this House, particularly my freshman colleagues who may be unfamiliar with the importance of this legislation, let me tell you one, crystal clear fact: We must design and put in place a sensible maritime policy, and we must do it soon or there won't be a maritime industry left to salvage. The legislation before us today is a first step in saving one of America's most precious resources—her domestic shipyards and her U.S.-flag merchant marine.

The Maritime Security and Competitiveness Act addresses the challenges facing the maritime industry through a number of means, and will preserve and create jobs for American seafaring and shipbuilding workers. The establishment of the Maritime Security Fleet and implementation of a new, temporary shipbuilding subsidy will make a real difference in this vital industry—one we desperately need to compete in the global marketplace. Frankly, I am astonished at the logic of people who seem to think that international trade can grow, or our national defense will be strong, without the means to transport goods or other supplies overseas.

Other provisions of H.R. 2151 also give U.S.-flag operators more flexibility with respect to trade routes, and does not increase the scope or coverage of existing U.S.-flag shipping cargo preference requirements. H.R. 2151 makes a number of administrative reforms in the cargo preference requirements to increase efficiencies and ultimately reduce costs. These reforms are long overdue.

On a side note, I am happy that the President has sat down with Chairman STUDDS and Senator BREAU to deal with maritime policy. We need leadership from the White House to face the challenges before all of us, and I am very pleased that the President has agreed to address maritime policy reform and has taken action with their October 1 report.

As a member who serves on both the Merchant Marine and the Armed Services Committees, I can not understate the importance of this legislation to our national economic and defensive security. The jobs of people who have worked in the maritime industry for years, their families, and the communities they live in is at stake, as is the national security of having goods moved on U.S. shipping whether in peace or war time. We must wait no longer.

The Maritime Security and Competitiveness Act is important because it represents a good step toward achieving some type of real progress in this area, progress that can have a real, identifiable impact on people's future. Too often, we spend our time arguing about the past. I'm not interested in arguing about the past; I am interested in solutions. H.R. 2151 is a solution—a real solution. I compliment the committee for their hard work on this important legislation, and I urge my colleagues to support H.R. 2151, the Maritime Security and Competitiveness Act.

Mr. GEPHARDT. Madam Chairman, I rise today in support of H.R. 2151, the Maritime

Security and Competitiveness Act of 1993. This legislation will preserve and create jobs for American seafaring and shipbuilding workers and preserve a vital U.S.-based sealift capability. In addition, it will increase the competitiveness of the U.S.-flag commercial fleet in the export and import trades. It will help assure our Nation that commodities and material necessary to our economic and defense security can be carried by American-flag vessels crewed by American citizens.

Inaction will only accelerate the decline of the American maritime industry. The number of U.S. ships in the merchant marine has been reduced over the last two decades from 798 to 385. In 1960, the United States ranked fourth in the world with over 1,000 ships. In 1993, the United States ranks 16th. From 1965 to 1992, the number of jobs on large, privately owned, oceangoing U.S.-flag vessels decreased from about 51,000 to just over 9,150.

This bill represents a constructive departure from business as usual for the U.S. merchant marine. It reduces costs incurred by the Federal Government and establishes a new maritime policy. H.R. 2151 promotes deregulation, efficiency, and competitiveness in the American merchant marine industry.

Since 1936, the Federal Government has provided operating subsidies to the U.S. merchant marine to help maintain a viable U.S.-flag fleet. These payments help offset the higher costs of operating vessels under the U.S. flag compared to foreign flags. Existing contracts under the Operating Differential Subsidy Program begin to expire in 1995.

Just as Federal assistance for construction of ships in U.S. shipyards was terminated in 1981, foreign governments began instituting generous subsidies for their shipyards. As a result, orders for commercial vessels in U.S. shipyards have virtually disappeared. In fact, as of September 1, only one privately owned vessel of over 1,000 gross tons was under construction in a U.S. shipyard. Fifty U.S. shipyards have closed since 1981 and 120,000 shipyard and shipyard supplier jobs have been lost. This bill will help restore American jobs by encouraging companies to build their ships in the United States.

Two new programs for the U.S. maritime industry, the Maritime Security Fleet and the Series Transition Payment Program are included in this legislation to address the problems in the maritime industry. The Maritime Security Fleet provisions are designed to offset the higher operating costs of U.S. vessels needed for national and economic security and eliminate many burdensome and outdated requirements first established in 1936. For example, currently, American shippers must follow specific trade routes without deviation, even if additional ports would make economic sense. This legislation will significantly increase the operating flexibility for U.S. vessels and make their operation more efficient.

The new Maritime Security Fleet program is designed to replace the existing Operating Differential Subsidy program. Like the current Operating Differential Subsidy [ODS] program, vessels receiving assistance would be prohibited from operating in the domestic trades. The bill authorizes the Secretary of Transportation to enter into 10-year operating agreements with U.S.-flag vessel operators and to

provide U.S. Government assistance to help U.S. vessels compete internationally. This program will help promote American shipbuilding and will assist in maintaining our existing shipyards.

The Series Transition Payment Program will assist American shipyards in building world-class commercial vessels and will reduce the cost to the U.S. Government of supporting the U.S.-flag merchant marine by reducing and limiting the amount of subsidy available. Under this program, U.S. shipyards would receive declining Federal payments for the construction of ships that are built and sold as part of a continuing series of a standard design. Studies of shipyard construction practices have shown there is a learning curve which is achieved when a yard builds a number of ships of the same design. The bill establishes a new program for the construction of commercial vessels in U.S. shipyards and facilitates the transition from military to commercial vessel construction.

The American merchant marine industry is critical to our Nation's national security. Foreign-flag ships are not always reliable. During the Vietnam war and the 1973 Arab-Israeli conflict, foreign-flag ships routinely refused to carry American military cargoes. During the Gulf war, a number of foreign-flag vessels refused to enter the Persian Gulf. We need a ready merchant marine to serve in times of national emergency. This bill assures us of a reliable, well-trained and prepared merchant marine.

H.R. 2151 is good for American workers, for the American maritime industry and for the American people. I urge support of this bipartisan bill.

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 2151, the Maritime Security and Competitiveness Act. We all know that the U.S. Merchant Marine is in a serious state of decline in the United States. Because of our strict regulations, laws, and labor standards, U.S.-flag vessels have a difficult time competing with the so-called "flag-ships of convenience." From 1965 to the end of 1992, the number of jobs on large, privately-owned, oceangoing U.S.-flag vessels decreased from about 51,000 to just over 9,150. At the same time, the number of U.S.-flag vessels operating in U.S. foreign trade decreased from 620 to a low of 151 ships.

There are also difficulties which confront our American shipbuilders. Since 1981, nearly 50 U.S. shipyards have been closed amounting to 120,000 shipyard and shipyard supplier jobs. In spite of the economic difficulties we are coping with in this country, we cannot afford to lose additional high skilled jobs. Moreover, U.S. policymakers must attempt to save this dwindling industrial base which is significant to our strategic economic interest.

This legislation is effective at addressing the current problems associated with the Government subsidies program provided to the U.S. ship industry by innovatively planning for the future. At the same time, this legislation has been crafted to take into account other circumstances relating to the health of the industry. By establishing a new vessel operating subsidy program, the Maritime Security Fleet Program, this legislation accounts for the appropriate security needs of our country as well as establishing reasonable criteria.

Despite the critics, it is important for the United States to retain this industry which has left such an indelible mark on our economic and cultural history. Dozens of communities in our Nation are still dependent on a thriving U.S. shipping industry.

Finally, let us keep in mind the years of service of my predecessor, the late Representative Walter Jones, Sr. Chairman Jones worked diligently for the interest of our U.S. merchant marine and the Nation's shipbuilding industry. I believe that he would be proud of this legislation.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. SWIFT) having assumed the chair, Ms. BYRNE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, pursuant to House Resolution 289, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 65, not voting 21, as follows:

[Roll No. 547]

AYES—347

Abercrombie	Bentley	Brown (OH)
Ackerman	Billbray	Bryant
Andrews (ME)	Billrakis	Bunning
Andrews (NJ)	Blshop	Buyer
Andrews (TX)	Blackwell	Byrne
Applegate	Bliley	Callahan
Bacchus (FL)	Blute	Calvert
Baker (CA)	Boehlert	Camp
Baker (LA)	Boehner	Canady
Ballenger	Bonior	Cantwell
Barca	Borski	Cardin
Barcia	Boucher	Carr
Barlow	Brewster	Castle
Barrett (WI)	Brooks	Chapman
Bartlett	Browder	Clay
Bateman	Brown (CA)	Clayton
Becerra	Brown (FL)	Clement
		Clinger
		Clyburn
		Coble
		Coleman
		Collins (IL)
		Collins (MI)
		Conyers
		Cooper
		Coppersmith
		Costello
		Coyne
		Cramer
		Crapo
		Cunningham
		Danner
		Darden
		de la Garza
		Deal
		DeFazio
		DeLauro
		Dellums
		Derrick
		Deutsch
		Diaz-Balart
		Dicks
		Dingell
		Dixon
		Doolittle
		Duncan
		Dunn
		Durbin
		Edwards (CA)
		Edwards (TX)
		Emerson
		Engel
		English (AZ)
		English (OK)
		Eshoo
		Evans
		Everett
		Ewing
		Farr
		Fazio
		Fields (LA)
		Fields (TX)
		Finler
		Fingerhut
		Fish
		Foglietta
		Ford (MI)
		Ford (TN)
		Fowler
		Frank (MA)
		Franks (CT)
		Franks (NJ)
		Frost
		Furse
		Gallely
		Gallo
		Gejdenson
		Gekas
		Geren
		Gibbons
		Gilchrest
		Gillmor
		Gilman
		Gingrich
		Glickman
		Gonzalez
		Gordon
		Goss
		Green
		Greenwood
		Gunderson
		Hall (OH)
		Hamburg
		Hastings
		Hayes
		Hefley
		Hefner
		Hilliard
		Hinchey
		Hobson
		Hochbrueckner
		Holden
		Horn
		Houghton
		Hoyer
		Huffington
		Hughes
		Hunter
		Hutchinson
		Hutto
		Hyde
		Inglis
		Inhofe
		Inlee
		Istook
		Jefferson
		Johnson (CT)
		Johnson (GA)
		Johnson (SD)
		Johnson, E. B.
		Johnston
		Kanjorski
		Kasich
		Kennedy
		Kennelly
		Kildee
		King
		Kingston
		Klecza
		Klein
		Klink
		Kopetski
		Kreidler
		Kyl
		LaFalce
		Lambert
		Lancaster
		Lantos
		LaRocco
		Lazio
		Lehman
		Levin
		Levy
		Lewis (CA)
		Lewis (FL)
		Lewis (GA)
		Linder
		Lipinski
		Livingston
		Lloyd
		Long
		Lowey
		Machtley
		Maloney
		Mann
		Manton
		Margolles-
		Mezvinsky
		Markey
		Martinez
		Mazzoli
		McCandless
		McCloskey
		McCollum
		McCrery
		McDade
		McDermott
		McHale
		McInnis
		McKinney
		McMillan
		McNulty
		Meehan
		Meek
		Menendez
		Meyers
		Mfume
		Mica
		Michel
		Miller (CA)
		Miller (FL)
		Mineta
		Mink
		Moakley
		Mollinari
		Mollohan
		Montgomery
		Moran
		Murphy
		Murtha
		Myers
		Nadler
		Natcher
		Neal (MA)
		Neal (NC)
		Oberstar
		Obey
		Oliver
		Ortiz
		Orton
		Owens
		Packard
		Pallone
		Parker
		Pastor
		Payne (NJ)
		Payne (VA)
		Pelosi
		Peterson (FL)
		Peterson (MN)
		Pickett
		Pickle
		Pombo
		Pomeroy
		Portman
		Poshard
		Price (NC)
		Pryce (OH)
		Quillen
		Quinn
		Rahall
		Rangel
		Ravenel
		Reed
		Regula
		Reynolds
		Richardson
		Ridge
		Roemer
		Rogers
		Ros-Lehtinen
		Rose
		Rostenkowski
		Roukema
		Rowland
		Roybal-Allard
		Rush
		Sabo
		Sanders
		Sangmeister
		Santorum
		Sarpalius
		Sawyer
		Saxton
		Schaefer
		Schenk
		Schiff
		Schroeder
		Schumer
		Scott
		Serrano
		Shaw
		Shays
		Shepherd
		Siskis
		Skaggs
		Skeen
		Skelton
		Slattery
		Slaughter
		Smith (NJ)
		Smith (OR)
		Snowe
		Solomon
		Spence
		Spratt
		Stark
		Stearns
		Stokes
		Strickland
		Studds
		Stupak
		Sundquist
		Swett
		Swift
		Synar
		Talent
		Tanner
		Tauzin
		Taylor (NC)
		Tejeda
		Thomas (CA)
		Thompson
		Thurman
		Torkildsen
		Torres
		Torricelli
		Traficant
		Tucker
		Unsoeld
		Valentine
		Velazquez
		Vento
		Vislosky
		Volkmmer
		Vucanovich
		Walsh
		Washington
		Waters
		Watt
		Waxman
		Weldon
		Wheat
		Whitten
		Williams

Wilson	Woolsey	Young (AK)
Wise	Wynn	Young (FL)
Wolf	Yates	Zeliff

NOES—65

Allard	Hall (TX)	Penny
Archer	Hamilton	Petri
Armey	Hancock	Porter
Bachus (AL)	Hansen	Ramstad
Barrett (NE)	Hastert	Roberts
Barton	Hoagland	Rohrabacher
Bereuter	Hoekstra	Roth
Bonilla	Hoke	Royce
Burton	Jacobs	Sensenbrenner
Collins (GA)	Johnson, Sam	Sharp
Combest	Kim	Shuster
Condit	Klug	Smith (IA)
Cox	Knollenberg	Smith (MI)
Crane	Kolbe	Smith (TX)
DeLay	Leach	Stenholm
Dornan	Lightfoot	Stump
Dreier	Manzullo	Taylor (MS)
Fawell	Minge	Thomas (WY)
Goodlatte	Moorhead	Upton
Goodling	Nussle	Walker
Grams	Oxley	Zimmer
Grandy	Paxon	

NOT VOTING—21

Baesler	Gephardt	McCurdy
Bellenson	Gutierrez	McHugh
Berman	Harman	McKeon
Bevill	Herger	Morella
Dickey	Kaptur	Thornton
Dooley	Laughlin	Towns
Flake	Matsui	Wyden

□ 1703

Mr. ISTOOK changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, I was unable to vote on rollcalls 544, 545, 546, and 547 because of a death in the family. Had I been present, I would have voted "nay" on rollcall 544, "nay" on rollcall 545, "nay" on rollcall 546, and "yea" on rollcall 547.

APPOINTMENT OF CONFEREES ON H.R. 2202 BREAST AND CERVICAL CANCER AMENDMENTS OF 1993

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

Mr. Speaker, this request has been cleared by the minority.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Michigan?

Mr. BLILEY. Mr. Speaker, reserving the right to object, and I shall not object, I rise to state that we have no objection to this.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, KREIDLER, MOORHEAD, and BLILEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2205, TRAUMA CARE SYSTEMS AMENDMENTS OF 1993

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2205) to amend the Public Health Service Act to revise and extend programs relating to trauma care, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Mr. Speaker, this request has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BLILEY. Mr. Speaker, reserving the right to object, I shall not object, and I rise to state that we have no problem with this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, SYNAR, MOORHEAD, and BLILEY.

There was no objection.

LIMITING TO A CERTAIN DATE APPLICABILITY OF PROVISIONS OF SECTION 7 OF THE WAR POWERS RESOLUTION TO HOUSE CONCURRENT RESOLUTION 170

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the provisions of section 7 of the War Powers Resolution (50 U.S.C. 1546) shall apply to House Concurrent Resolution 170 only on the legislative day after the legislative day of Monday, November 8, 1993, but on the same terms as would have adhered on November 8, 1993, unless otherwise provided by subsequent order of the House.

Mr. Speaker, this request has been cleared through the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, and I do not intend to object, I simply want to indicate that I fully support this request of the chairman because it is designed to protect my rights under the War Powers Act to call up my resolution on Tuesday should the rule not be considered or adopted on Monday.

I am grateful to the chairman for his courtesy and fairness he has shown in

ensuring that the Somalia resolution is considered under a procedure that will give the House a clear choice and vote on the two alternative versions of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL MIDNIGHT, FRIDAY, NOVEMBER 5, 1993, TO FILE REPORT ON HOUSE CONCURRENT RESOLUTION 170

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be authorized to file a report on House Concurrent Resolution 170 at any time before midnight on the evening of Friday, November 5, 1993.

Mr. Speaker, this request has been cleared through the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, and I merely wish to express my support for the chairman's request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REREFERRAL OF A CERTAIN COMMUNICATION OF THE PRESIDENT OF THE UNITED STATES FROM THE COMMITTEE ON WAYS AND MEANS TO THE COMMITTEE ON FOREIGN AFFAIRS

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that House Document 103-153, a communication from the President of the United States transmitting notification of the deployment of U.S. Naval Forces to participate in the implementation of the petroleum and arms embargo of Haiti, be rereferred from the Committee on Ways and Means to the Committee on Foreign Affairs.

Mr. Speaker, this request has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, and I merely rise to express support for the request of the gentleman from Indiana [Mr. HAMILTON].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. DE LE GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1490) to amend Public Law 100-518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, and I do not plan to object, but I would like to engage the distinguished and conservative gentleman from Texas [Mr. DE LA GARZA] in a brief colloquy.

Mr. Speaker, I would ask the gentleman, does this bill address the issue of water as a method of dust suppression?

Mr. DE LA GARZA. Will the gentleman yield, Mr. Speaker?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding to me.

The answer is no, Mr. Speaker, the bill is silent on this issue. The committee plans on asking the Office on Technology Assessment to conduct a study of the issue, and we expect that the USDA would consider their findings in the development of a policy on this issue.

Mr. Speaker, let me briefly explain the intent of our motion and the provisions in the bipartisan substitute we offer to S. 1490.

In late September the House and the Senate passed separate bills to reauthorize the Federal Grain Inspection Service [FGIS] and improve its activities. The House approved H.R. 2689, as amended, under suspension of the rules. The next day the Senate passed S. 1490, as amended, by voice vote. Most of the provisions of the two bills are similar.

There are, however, a handful of substantive differences. The substitute to S. 1490 extends a compromise to the other body with respect to certain provisions.

The substitute authorizes appropriations and extends other expiring provisions of the U.S. Grain Standards Act through fiscal year 2000; in other words, a 7-year reauthorization period. The House bill provided for only a 5-year reauthorization. The Senate bill had a 10-year reauthorization.

The substitute incorporates the Senate bill's provisions requiring the agency to develop and carry out a comprehensive cost containment plan. The purpose of this plan is to streamline and maximize the efficiency of the operations of FGIS to help minimize taxpayer expenditures and user fees.

Mr. Speaker, let me make clear that the substitute does not include provisions of the Senate-passed bill that would authorize FGIS to establish a permit system to allow grain handlers to use water to suppress grain dust.

The question of whether Congress should, by statute, allow or prohibit the use of water to suppress grain dust has been an issue of considerable controversy in the grain industry and during our Agriculture Committee deliberations. After thoroughly reviewing the pros and cons of this practice, alternative grain suppression practices, and the regulatory options available, it was the House Agriculture Committee's determination that the most appropriate course of action for Congress is to allow the agency to exercise its current regulatory authorities to deal with this issue. In other words, Congress should not micromanage in this situation.

That is why the substitute to S. 1490, as was the case with the original House-passed bill, leaves undisturbed the rulemaking process currently underway at the agency. I can assure my colleagues who have heard from farmers and from grain companies in their districts that the Committee on Agriculture and our subcommittees intend to closely monitor the agency's actions on this issue.

Mr. Speaker, we believe the substitute offers a reasonable compromise on the issues outstanding between the two bills while maintaining the House position that Congress should not, at this point, interfere in the agency's rulemaking process with respect to the use of water in grain dust suppression. I urge passage of S. 1490, as amended by the House substitute.

Mr. ROBERTS. I thank the gentleman for this clarification, Mr. Speaker, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (1), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: " 'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (1), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: " , except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: " , except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: " , or is supervised under a contractual arrangement."; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise

provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A";

(b) ADDING WATER TO GRAIN.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee to recover the administrative and enforcement costs of carrying out clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j)."

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended—

(1) by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than \$10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person"; and

(2) by inserting after "\$20,000" the following: "(or, in the case of a violation of section 13(d)(4)(A), \$50,000)".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2."

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than \$10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting "the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DE LA GARZA: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Limitation on administrative and supervisory costs.
- Sec. 3. Authorization of appropriations.
- Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.
- Sec. 5. Pilot program for performing inspection and weighing at interior locations.
- Sec. 6. Licensing of inspectors.
- Sec. 7. Prohibited acts.
- Sec. 8. Criminal penalties.
- Sec. 9. Equipment testing and other services.
- Sec. 10. Violation of subpoena.
- Sec. 11. Standardizing commercial inspections.
- Sec. 12. Elimination of gender-based references.
- Sec. 13. Repeal of temporary amendment language; technical amendments.
- Sec. 14. Authority to collect fees; termination of advisory committee.
- Sec. 15. Comprehensive cost containment plan.
- Sec. 16. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

- (1) by striking "inspection and weighing" and inserting "services performed"; and
- (2) by striking "1993" and inserting "2000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) REAUTHORIZATION.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 2000".

(b) LIMITATION.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

- (1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and
- (2) in the second sentence of subsection (1), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A of such Act (7 U.S.C. 79a) is amended—

- (1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the words "official weighing" or;
- (2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (1), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end "except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by inserting before the pe-

riod at the end "except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographical area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

- (1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the phrase "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

- (3) in subsection (d)—

(A) by inserting after "Persons employed" the words "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the words "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Paragraph (11) of section 13(a) of the United States Grain Standards Act (7 U.S.C. 87b(a)(11)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A";

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than \$10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

- (1) in subsection (b), by striking the third sentence; and
- (2) by adding at the end the following new subsections:

"(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(1) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) OFFICIAL COURTESIES.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered or accepted pursuant to this subsection shall exceed 20 dollars in value."

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than \$10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting "the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

- (1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and
- (2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

- (1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and
- (2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

- (1) in subsection (a), by striking "he" and inserting "the Administrator";
- (2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—
 (1) in subsection (a), by striking "him" and inserting "the Administrator"; and
 (2) in subsection (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended—
 (1) by striking "him" and inserting "the licensee"; and
 (2) by striking "his license" and inserting "the license".

(i) Section 10 (7 U.S.C. 86) is amended—
 (1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and
 (2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—
 (1) in subsection (a), by striking "he" and inserting "the Administrator"; and
 (2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and
 (B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—
 (1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and
 (2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—
 (1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator"; and
 (2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—
 (1) in subsection (a), by striking "he" and inserting "the person"; and
 (2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—
 (1) in subsection (a)(2), by striking "he" and inserting "the producer"; and
 (2) in subsection (c), by striking "he" and inserting "the person".

(q) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(r) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(s) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and
 (2) in subsection (c), by striking "he" and inserting "the person".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(A) REPEAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

(B) TECHNICAL AMENDMENTS.—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87(a)) is amended—

(A) by striking "(1)" and
 (B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c)), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(A) INSPECTION AND SUPERVISORY FEES.—Section 7(j) of the United States Grain

Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 2000. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain."

(B) WEIGHING AND SUPERVISORY FEES.—Section 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 2000. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act."

(C) ADVISORY COMMITTEE.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, 2000."

SEC. 15. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—
 (1) by striking "There is created" and inserting "(a) Establishment.—There is created"; and
 (2) by adding at the end the following new subsection:

"(b) COST CONTAINMENT PLAN.—(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."

(3) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."

SEC. 16. EFFECTIVE DATES.

(A) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(B) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.—The amendments made by section 2, 3, and 13(a) shall take effect as of September 30, 1993.

Mr. DE LA GARZA (during the reading). Mr. Speaker, I ask unanimous

consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1710

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I ask to proceed for the purpose of ascertaining the schedule for the upcoming week. I am happy to yield to the distinguished majority whip to fill us in on what we are going to do next week on the legislative schedule.

Mr. BONIOR. I thank my colleague for yielding.

The schedule for the next week is as follows: The House will meet at noon on Monday and we will consider 13 bills under suspension. Those bills are:

H.R. 2722, Age Discrimination in Employment Amendments of 1993;

H.R. 3161, Older Americans Act Technical Amendments of 1993;

H.R. 3276, Intermodal Surface Transportation Technical Corrections Act;

H.R. 2440, Independent Safety Board Act Amendments of 1993;

H.R. 3179, to designate the Gus Yatron Postal Facility;

H.R. 3285, to designate the George W. Young Post Office;

H.R. 3252, West Virginia Rivers Conservation Act of 1993;

S. 983, El Camino Real Los Texas Study Act of 1993;

S. 836, El Camino Real de Tierra Adentro Study Act of 1993;

H.R. 457, to provide for the conveyance of lands to certain individuals in Butte County, CA;

H.R. 1425, American Indian Agriculture Act of 1993;

H.R. 654, to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriation, and

H.R. 2639, Telecommunications Infrastructure and Facilities Assistance Act.

After we are finished with that, we will go to House Concurrent Resolution 170, just the rule on the Somalia issue. We will not do the actual debate until Tuesday.

We expect that we will not have any votes until between 3 and 4 o'clock, and that would be the earliest that we would have votes. I think it will take that amount of time to get through the 13 suspensions as well as the rule on House Concurrent Resolution 170, which is the removal of United States forces from Somalia.

On Tuesday, November 9, and Wednesday, November 10, on Tuesday we will meet at 11 a.m. and we will consider House Concurrent Resolution 170, the removal of United States Armed Forces from Somalia, as amended, to complete consideration. I believe that could be up to 4 hours of debate time on that.

Then we will go to H.R. 2401, the Defense authorization conference report, subject to a rule, and then we will do the Defense appropriation conference report, subject to a rule.

We could go a little bit late on Tuesday, so Members should be aware of that.

On Wednesday we will move to the Brady Handgun Violence Prevention Act, subject to a rule.

Then, if we have time remaining that day, we will do the ERISA bill, subject to a rule. That is H.R. 1036. Also we will do H.R. 322, the Mineral Exploration and Development Act, again subject to a rule; and H.R. 2601, the Department of Environmental Protection Act, again subject to a rule.

I am aware of the need for Members to get back to their districts on Wednesday for the Veterans Day activities that will occur across the country. And I know the Members have traveling plans that they have to put together to make sure that they are back with their constituencies to honor that day, and so I understand that, and we will do the best that we can to accommodate Members.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding. I would like to say to the acting majority leader that 90 percent of the Members of the House I would say do have obligations on Veterans Day. As you know, it is rather hard to get out of here late Wednesday afternoon, and I would certainly hope that at 1, 2, or 3 o'clock in the afternoon Members would be able to leave, if necessary, and that we would start instead of 10 o'clock we could start at 9 o'clock in the morning. But some of us just have to leave, and we hate to miss votes. So I would hope the leadership would consider that.

Mr. BONIOR. We will do the best we can, I might say to my colleague. We have two concerns. First of all, the schedule to come in at 10 o'clock, I suspect we could make a request to come in a little earlier. The other problem is that the CR runs out that day as well, so we have to make sure that that is taken care of.

We also have to be aware of the fact that Members know we are moving toward the end of this legislative session, and we do not have too many days left the following week to finish our business, which is copious. So we have to put in a good 3 days next week.

But having said all of that, we will try to do it to accommodate the concerns of the gentleman from Mississippi.

Mr. MONTGOMERY. If the gentleman will yield further, several weeks ago we sent to every Member's office information on legislation that has been passed this year on veterans' issues, and also what Veterans Day stands for, and I think it would be very helpful if Members would have the opportunity to look at that information that we have sent to each office and probably it would help them in their remarks on Veterans Day. I thank the gentleman.

Mr. WALKER. I thank the gentleman from Mississippi.

If I could just clarify with the gentleman from Michigan for a moment, if I understand correctly, the 13 suspension bills will be debated on Monday. Then we will go to the rule and only after completing the rule will we go to the votes on the suspensions?

Mr. BONIOR. The gentleman is correct.

Mr. WALKER. If I understand the gentleman correctly, we would expect then that those votes would probably fall after 3 o'clock?

Mr. BONIOR. Certainly after 3, and perhaps even later, but after 3, yes.

Mr. WALKER. I thank the gentleman.

Beyond that, I had understood earlier today there might be some problems with both the Defense authorization bill and the Defense appropriation bill that needed to be worked out. If those have not been worked out by Tuesday,

is it possible that some of the rest of the items on the schedule would be moved onto the Tuesday schedule?

Mr. BONIOR. We expect them to file those bills Monday, Tuesday at the latest, and we expect to take them up next week. Obviously if there is some reason why they are not ready, we have other things to do, as I indicated on the schedule. But we expect we will get to both Defense bills, the appropriation bill and the authorization bill.

Mr. WALKER. Did I understand the gentleman correctly that Wednesday would be the day that we would deal with the CR, should we have to do that?

Mr. BONIOR. The gentleman is correct.

Mr. WALKER. And also I am told that the unemployment conference has been completed. It sounds to me that because the two Senate amendments were dropped that that might run into some controversy. Does the gentleman have any idea when that might come to the floor?

Mr. BONIOR. I do not know when, but hopefully sooner rather than later. We have waited long enough. We hope to get that to the Members as soon as possible when they come back.

Mr. WALKER. There is some concern on our side also about the Department of Environmental Protection Act, of whether or not some amendments that were anticipated on our side were going to be made in order. Does the gentleman know whether or not that bill is going to be open for germane amendments?

Mr. BONIOR. I do not know. I would have to talk with the gentleman from Massachusetts [Mr. MOAKLEY], the committee chairman, and the gentleman from New York [Mr. SOLOMON], the ranking member. No decision has been made on just exactly what the nature of the rule on that bill will be yet.

Mr. WALKER. I thank the gentleman.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 170, REMOVAL OF UNITED STATES ARMED FORCES FROM SOMALIA

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 103-328) on the resolution (H. Res. 293) providing for consideration of the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, NOVEMBER 8, 1993

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the

House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOUR OF MEETING ON TUESDAY, NOVEMBER 9, 1993

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 8, 1993, it adjourn to meet at 11 a.m. on Tuesday, November 9, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFERRAL OF SPECIAL ORDER TIME

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that the special order of the gentleman from California [Mr. DREIER] and the gentleman from Arizona [Mr. KOLBE] be switched.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1720

REALLOCATION OF SPECIAL ORDER TIME

Mr. MONTGOMERY. I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR] on November 4, 1993, be allocated to the gentleman from California [Mr. TUCKER].

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SPECIAL ORDER PREVIEW

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I am signed up for a 1-hour special order tonight, and almost my entire hour will be spent on why I think it is inappropriate

to have the Congress confirm Morton Halperin as a brandnew appointed Under Secretary of Defense.

But I spent all day Tuesday with our special ops and special forces, U.S. Army folks at Fort Bragg, and I may mention part of that tonight.

But on Monday I spent the whole day at the United States Army Space and Strategic Defense Command at the Redstone Arsenal at Huntsville, AL. I just want to reiterate what I said on this House floor during the authorization debate for our Armed Services:

Right now, at this very moment, we cannot defend ourselves against one single nuclear warhead launched at our wonderful country. We cannot stop one. Not one. We will not have reaction time as we had with Hurricane Emily; there will be no time for battening down the hatches or for stockpiling food. If one single missile's warhead hits our Nation, citizens will start marching on this Congress, as in a classic work of fiction villagers marched on insane Dr. Victor Frankenstein's castle, to burn us to ashes—and rightly so ***

NO TO NAFTA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. LEWIS of Georgia. Mr. Speaker, later this month, the House will vote on the North American Free-Trade Agreement, NAFTA. I, for one, in good conscience cannot support this trade agreement. This agreement betrays the American people, and we as Members of this body must say no to this NAFTA.

Let me be clear—I support free trade. I encourage the development of new markets and the lowering of trade barriers.

However, I do not want "free trade" at the expense of fair trade, at the expense of our workers, our environment and our commitment to human rights.

In the past 10 years, 2.6 million U.S. jobs have moved overseas. There is no doubt that Mexico's weak environmental, health and safety standards, combined with its low wages, will entice many more companies to cross the border. This recent ad campaign which I hold in my hand by the Mexican state of Yucatan proves just this point.

We simply cannot send any more jobs abroad. A North American Free Trade Agreement should protect U.S. workers.

This NAFTA does not.

We can have a better NAFTA. We must!

Mr. Speaker, it doesn't help America to win in Mexico if in the process we lose our jobs, our resources and our soul. We must reject this NAFTA.

Mr. Speaker, I include for the RECORD a copy of the ad campaign from the Mexican State of Yucatan.

"I can't find good loyal workers for a dollar an hour within a thousand miles of here." We're only 460 miles and 90 minutes by air from the U.S.

Labor costs average under \$1 an hour, including benefits. Far lower than in the Far East. And less than CBI, Central America and even less than the rest of Mexico.

The turnover rate is less than 5% a year.

And you could save over \$15,000 a year, per worker, if you had an offshore production plant here.

So if you want to see how well you or your plant managers can live here while making your company more competitive, call for a free video tour of the State of Yucatan at 708-295-1793.

When the U.S. is too expensive and the Far East too far, "Yes You Can In Yucatan."

Government of the State of Yucatan Mexico. Department of Industrial and Commercial Development.

H.R. 2151, THE MARITIME SECURITY AND COMPETITIVENESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, earlier today, we passed H.R. 2151, the Maritime Security and Competitiveness Act.

During the 1980's, we have allowed our commercial shipbuilding industry to almost disappear. Between 1984 and 1990, U.S. shipbuilders received no new commercial orders for ships over 1,000 gross tons while during this same period, commercial orders in the international market were steadily increasing. As of September 1 of this year, only one privately owned vessel of over 1,000 gross tons was under construction in a U.S. shipyard.

This loss of commercial shipbuilding has caused tremendous damage to our industrial base. Since 1981, 50 shipyards have been closed and 120,000 shipyard and shipyard supplier jobs have been lost. If this decline continues, we could lose another 180,000 jobs and the ability to maintain our fleet. This Nation can not afford to lose our shipbuilding skills. To do so endangers our economy and weakens our national defense.

Ironically, one of my distinguished predecessors, John Mercer Langston, who was the only other African-American Representative from Virginia, expressed his concern about our shipbuilding industry over 100 years ago. While supporting a shipbuilding bill in 1891, Representative Langston noted that:

When during a residence of five years in a foreign port, where I had the honor to represent this Government, I saw not a single American steam vessel riding into that harbor and anchoring on business, I inquired, "Why is this so?" Here was the great English vessel, here the great German vessel, here the great French vessel, here the Spanish. All these nations were represented there, but not a single steamship from our country. Why was this? We had conceded away to the English Government the freedom of our seas.

That was ever 100 years ago.

Although our foreign competitors may have changed, these words are still true. And now is the time to act. It is estimated that between 1993 and 2001, 7,000 to 10,000 new ships will be built. Even capturing a small percentage of this market would stabilize our shipbuilding industry and boost our economy. For every merchant ship built in the United States, there is on average, a \$151 million increase in GNP, the collection of \$34 million in local, State, and Federal taxes, and the creation of over 2,400 jobs annually during the 2 year ship construction period.

I believe that H.R. 2151 is a necessary part in stopping our Maritime decline. One portion of this bill establishes a Series Transition Payment Program. The idea is quite simple. A key problem in becoming competitive in international shipbuilding is the issue of the learning curve costs. When building a series of ships, shipyards become increasingly more efficient and cost effective. In essence, the cost of constructing the fourth or fifth ship, can be up to one-third cheaper than the building of the first ship. Since our international rivals have been building similar designed ships over the last 10 years, they have overcome this learning curve.

The Series Transition Payment Program helps our shipyards to overcome the learning curve by providing construction payments on the first few ships built in a series. This will enable our yards to sell ships in the short term and lower costs over the long term. This commonsense approach will go a long way to rebuilding our yards, maintaining our fleet, and securing our industrial base.

Mr. Speaker, this issue has been with us for over 100 years. Now, with only a little Federal assistance, we can save our maritime industry. For these reasons, I was delighted to join my colleagues in support of this bill.

WHITE HOUSE AGRICULTURAL AGREEMENTS THREATEN VALIDITY OF NAFTA

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under a previous order of the House, the gentleman from Maryland, [Mrs. BENTLEY] is recognized for 5 minutes.

Ms. BENTLEY. Mr. Speaker, the announcement by the White House of new binational negotiations on agriculture—negotiations which change the NAFTA agreement already signed by Canada, and President Bush for the United States and Mexico, bring into question the legality of the agreement.

How valid are these White House promises to the agriculture community when a tripartite agreement, supposedly chiseled in stone by a U.S. President no longer in office, is

changed by only two parties to the agreement.

This bilateral action between Mexico and the United States can raise serious questions in the future about the legitimacy of the agreement. If Canada's trading position is threatened by these nonconforming, bilateral agreements on everything from sugar to flat glass products, then these challenges only can be settled by the NAFTA dispute panels where the United States will be out voted three to two.

Mexico's sincerity in these promises is questionable given the statements last week by Mexico's Minister of Trade, Jaime Serra Puche, before the Council on Foreign Relations. According to Congress Daily, "He contended that differences in interpretation should be decided by the dispute resolution panel set up in NAFTA—a group which, in the event of a U.S.-demanded interpretation of the pact, would include three Mexicans and two Americans."

Certainly, Canada is being given grounds to question the interpretation of the whole of the agreement when so many critical portions of the initial agreement already have been changed by only two of the three signatories. What a way to break a three party contract.

Minister Serra Pucci's statement seems to have been timed to set a frame around these side-side agreements as interpretations of the initial agreement—especially since one party was left out of the meetings.

Mr. Gordon Richey, chief negotiator for the Canadians in the original NAFTA agreement, stated to a Mexico City newspaper yesterday concerning the newest negotiations that, "The U.S. Congress does not respect a deal. A deal is a deal."

Talking about the White House actions, he continued, "What they are doing now is affecting Canadian interests—not only in the trilateral agreement, but it affects also the bilateral agreement—the Canadian Free Trade."

Remember, the reason environmental and labor issues necessitated side agreements was that the initial agreement could not be changed. When the Congress demanded that labor and the environment be considered, new agreements—Mr. Clinton's agreements had to be drafted.

Now, major changes are being drafted to the initial agreement without authorization or legitimacy since Canada's interests are not even being considered.

Mr. Speaker, all sorts of mischief is going on here and I am gravely concerned that we must go to Mexico City or Ottawa to discover what is going on among our trading partners. American proposals to subject binational panels established under chapter 19 of the NAFTA to review by domestic courts are totally unacceptable to the Canadian business community.

What is this? The issue of sovereignty is not valid? It seems the White House thinks so! However, this NAFTA agreement cannot be changed. As much as I would wish that the decisions of the dispute panels could come back before American courts, legally, it cannot be done. This treaty is as is.

It is interesting that the Reuter's story about Canadian business' objections to changing the structure of the dispute panels' power goes on to report, and I quote from Reuter's: "Canada has won a number of key trade decisions through the binational panel dispute settlement mechanism."

Bless the Canadians! Having rolled us in over two-thirds of the decisions—they do know a deal when they see one.

□ 1730

CHANGE OF TIME ON SPECIAL ORDER

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to vacate my special order of 60 minutes and substitute a 5-minute special order.

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Is there objection to the request of the gentleman from Guam?

There was no objection.

COMMEMORATIVE COIN FOR 50TH ANNIVERSARY OF LIBERATION OF GUAM AND NORTHERN MARIANA ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, last week I introduced H.R. 3372, a bill which authorizes a commemorative coin for Guam and the Northern Mariana Islands in honor of the 50th anniversary of the liberation of these islands from enemy occupation in World War II.

These commemorative coins will be issued next year to coincide with the 50th anniversary Golden Salute commemorations on Guam and Saipan. Over 4,000 veterans of the Marianas campaign are expected to return for this remembrance. The design of the coins will be emblematic of the heroism of the American forces that liberated the Mariana Islands in some of the fiercest fighting of the Pacific war.

While some students of history will note that Alaska's Aleutian Islands were also captured by Japan, the Native Aleutian islanders were evacuated prior by the United States military in anticipation of hostilities. While the Aleutian Islands were also captured, only Guam has the distinction of having its population subjected to an occupation by the enemy.

The distinction of Guam's status was not lost on the occupiers. Guam suffered an especially brutal occupation

due to the loyalty of the people of Guam to America. Executions, beheadings, forced labor, forced marches, and internment in concentration camps marked the 30 months of Guam's occupation. The people of Guam suffered, but remarkably endured those trying times.

The Marianas campaign was a militarily significant battle. In the aftermath of the huge Japanese defeat, Prime Minister Tojo's government resigned. The Marianas gave the Allied forces the ability to reach Japan in bombing raids with long-range bombers. The momentum of the Pacific war changed with the Allied attacks on the Japanese homeland from airfields on Guam, Saipan, and Tinian. And, of course, the atomic bombs that ended the war were delivered from bombers taking off from Tinian in the Northern Mariana Islands.

Guam and the Commonwealth of the Northern Mariana Islands share this distinct history with a sense of the tremendous human toll that brought them freedom. The battle for Saipan was bitter, costing 3,426 American lives. The battle for Guam cost 2,124 American lives. The 50th anniversary commemorations will focus on the deep gratitude that the people of the Marianas still feel for these American sacrifices.

The proceeds of the commemorative coins will be used to construct museums on Guam and Saipan. The Guam Museum will be part of the War in the Pacific National Historical Park, and the Saipan Museum will be at the American Memorial Park.

Mr. Speaker, it is with a sense of history, and a sense of recognition of the American lives lost and the sacrifices of the people of Guam and the Northern Mariana Islands, that I urge my colleagues to support this legislation. Next year is the 50th anniversary of liberation. If there ever was a time to remember, this is it. If there ever was a time to honor, this is it. The veterans may not be there for other celebrations, time will ensure that. The people may not remember as well in later years, memories fade. America may not be moved to do this small gesture in years to come, people tend to forget. But now, for this 50th anniversary commemoration, with the American citizens of Guam and the Northern Marianas, let us remember, let us honor, and let us memorialize the heroes of the Marianas campaign with this special coin.

On a personal note, all families from Guam can point to this experience, the World War II battles and Japanese occupation and tell a heroic saga. My own parents lost three children during the occupation. That generation of liberators, warriors, and people who experienced those battles as civilians is quickly passing. My father died in 1986 and my mother is now 81 years of age.

In their name, as well as the others, I urge the Members of this institution to recognize the pain, suffering, heroism, and triumph of the human spirit.

COMMUNICATION FROM OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from Leonard P. Wishart III, Director, Non-Legislative and Financial Services, House of Representatives:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, November 3, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office Supply Service has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

COMMUNICATION FROM THE HONORABLE JAMES E. CLYBURN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JAMES E. CLYBURN:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 3, 1993.

Hon. THOMAS S. FOLEY,
House of Representatives,
Longworth HOB, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that my office was served with a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel I will make the determinations required by the Rule.

With kindest regards, I am
Sincerely,

JAMES E. CLYBURN,
Member of Congress.

IN OPPOSITION TO NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 60 minutes.

Mr. TUCKER. Mr. Speaker, I would like to address the House on a special order related to NAFTA, in an anti-NAFTA position.

Before I address the House, Mr. Speaker, I yield to the distinguished gentlewoman from Illinois, Mrs. CARLIS COLLINS.

□ 1740

Mrs. COLLINS of Illinois. Mr. Speaker, since I became chairwoman of the Subcommittee on Commerce, Consumer Protection, and Competitiveness, I have probably spent more time on the proposed North American Free-Trade Agreement than any other issue. Our subcommittee has held 12 hearings and briefings and I have traveled to Mexico on three occasions to meet with Mexican officials and to see first-hand the living conditions in the border towns where the maquiladora factories are located. In addition, our subcommittee reported a resolution, which was subsequently passed by the House by a unanimous vote, expressing the view of the House that NAFTA should not threaten any health, safety, or environmental law of the United States.

At our first hearing on NAFTA 2½ years ago, I expressed my view that NAFTA could have some real benefits for all three countries, if properly negotiated. With the potential formation of trading blocs in Europe and in the Pacific rim, there is, at least a superficial logic to joining with our neighbors to enhance our competitiveness in a world economy. But this NAFTA is not what it is cracked up to be.

That is why I have several concerns. First, and most importantly, I believe that a trade agreement ought to improve the standard of living and create jobs in all of the countries. If instead, NAFTA will move jobs out of this country, or bring down wages, it should be defeated.

Second, I have taken a particular interest in the issue of food safety and trade agreements. I became interested in this subject when we reviewed the U.S.-Canada Free-Trade Agreement. We discovered that the former Bush administration had drastically reduced meat inspectors at the border, citing the Canadian Free-Trade Agreement as its authority. Under the so-called streamlined procedures, Canadians were allowed to select the meat that would be subject to inspection by our inspectors. This intolerable situation was eventually reversed, but it taught me an important lesson that trade agreements can be used to reduce consumer safety.

Third, based on my visits to the border, it was clear that considerable environmental damage was being caused by the maquiladora factories in the United States-Mexico border area. NAFTA could provide an opportunity to improve these problems, but it would require specific provisions to provide for funding the cleanup, and Mexican environmental standards and enforcement would have to be raised to levels here in the United States.

Unfortunately, I do not believe that NAFTA, even with the admirable efforts of President Clinton to negotiate environmental and labor side agreements, meet my three concerns.

Let me begin by discussing the impact on jobs and wages. I must say that the single most important factor in my decision was my experience in the border towns visiting workers in the maquiladoras.

The workers were living in terrible conditions. They lived in shacks with no running water or electricity. I saw their pay stubs indicating that they were working long hours for an average of only \$1.64 an hour.

I realized then that unless Mexico ceased its policy of constraining wages to attract investment, American workers would be threatened. The failure of the Mexican Government to allow real labor unions to form so that wages could rise with productivity meant that American workers would see their standard of living fall instead of Mexican workers rising.

In my State of Illinois we have seen thousands of good manufacturing jobs leave our State and move to low-wage countries—most of them to Mexico. A study by the Center for Urban Economic Development of the University of Illinois at Chicago, found that since 1980, over 67,000 jobs were lost in Illinois to firms with operations in Mexico. The Chicago metropolitan area accounted for more than 47,000 of these lost jobs.

The loss of these jobs has hurt, not helped, the well-being and happiness of thousands of Illinois families. Further it is not evident that the movement of jobs to Mexico is producing big gains in Mexico's standard of living.

As a side light of my visits to Mexico, I began to question a statement often used by NAFTA supporters that the average Mexican buys \$450 of American products every year. I visited a worker at a Zenith plant. He could never hope to buy the television set he assembled, because his wages were so low. I began to question where were these average Mexicans who bought \$450 of American goods, and whether claims of a large Mexican market for United States-made products were accurate.

After some research, we found out that the \$450 figure was derived by taking all exports to Mexico and dividing by the Mexican population. Included in these exports were parts shipped to the maquiladoras for assembly and then returned to the United States. Also included were capital goods used to build the maquiladora factories. In short, the average Mexican was really a United States corporation.

When I asked how much of exports were consumer goods that were purchased by actual Mexicans, the amount provided by the International Trade Commission was only \$2.3 billion. That's \$25 per Mexican—a far cry from \$450. So long as wages are constrained in Mexico, we should remain skeptical of claims of a growing Mexican consumer market.

In the area of food safety, there was both good news and bad news in NAFTA. The good news is that the implementing legislation includes, at my urging, a provision which makes clear that U.S. food safety laws, as well as other health, safety, and environmental laws, cannot be weakened as a result of NAFTA.

The bad news is that there may be no practical way to ensure that food imported from Mexico may be safe. The Food and Drug Administration [FDA] only has 13 inspectors for the entire United States-Mexico border, and the agency has told me that Mexican produce exported to the United States is about twice as likely to have pesticide residue levels that violate United States standards, as is produce grown here in the United States. In addition, we know that Mexico has approved 15 different pesticides for use on food that the United States has not approved, and only seven of those 15 pesticides are even detectable by the tests that the FDA uses when it inspects fruits and vegetables imported from Mexico.

Finally, despite the efforts of the Clinton administration to negotiate a side agreement on the environment, the environmental problems at the border are likely to get worse, not better. In my view, there are three serious flaws in the side agreement.

First, there is no funding mechanism to ensure that those who benefit under NAFTA, namely the United States corporations that move their factories to Mexico, will be required to pay for the cleanup of the pollution that they have caused. Majority Leader GEPHARDT, for example, suggested that a cross-border transactional fee on their goods would be a good start toward making the polluter pay. Instead, it appears that funding, if any, for cleanup will be paid by the U.S. taxpayer.

Second, the side agreement only addresses problems caused by the failure of a government to enforce its environmental laws. It does not address the disparity in environmental standards.

We have constantly been told by NAFTA supporters that Mexican environmental standards are equivalent to ours, but that is often not true. For example, when we looked at the case of the Carbon I and II plants, which were built on the Mexican border and polluting Big Bend National Park, we found that the standards for power plants were quite different. For example, according to EPA, Mexico's standard for particulate emissions is 10 times weaker than the United States standard, and its standard for sulfur dioxide is 14 times weaker than our own.

Third, the side agreements are not tied to NAFTA. Under the provisions of the side agreements, a country can withdraw at any time, but still be entitled to the benefits of NAFTA. I raised this problem with Ambassador Kantor

when he appeared before our Committee in September. He agreed with me that a country that withdraws from a side agreement, which he called critical to NAFTA, should not be entitled to stay within the basic NAFTA agreement. He also said he would welcome a provision in the implementing bill to rectify the problem.

However, in the past month, he reversed himself, and the implementing bill now has no provision to deal with a country that withdraws from a side agreement. The Clinton administration has stated its intention to withdraw from NAFTA if another country withdraws from a side agreement, but other administrations may not. Indeed, it is no secret that many Republicans do not look favorably on those agreements.

So while we will be making a permanent decision on NAFTA, the side agreements may disappear. This certainly raises the question about how seriously the NAFTA proponents see the side agreements.

Let me say in conclusion, that I take no pleasure in voting against this agreement. There is much that is good in the NAFTA, and I hope that the three governments will all return to the negotiating table. I believe we need to take into consideration the recent elections in Canada so that our Canadian partners are comfortable with a new agreement. And by all means we should continue to strengthen our ties with Mexico. The Mexican Government, and President Salinas particularly, have made greater strides toward improving the relationship between our countries than any previous leader. We must make clear that we want that relationship to prosper and that we will continue to discuss ways to enhance the well-being of all of our citizens.

□ 1750

Mr. TUCKER. I thank the gentlewoman from Illinois for those very eloquent and thoughtful comments.

Obviously, Mr. Speaker, there have been many questions about the North American Free-Trade Agreement, that we use the acronym NAFTA to associate. And the American public has not heard all the truth on this agreement. There has been a lot of talk and a lot of deductive reasoning that says that because exports are good for this country, that NAFTA would have to be good for this country.

I would compliment the comments of the gentlewoman from Illinois [Mrs. COLLINS] in saying that she was so right when she mentioned that it is not a question of supporting trade, but it is a question of supporting this particular agreement.

This agreement, as the saying goes, has to stand on its own bottom. This tub has to stand on its own bottom. And this particular NAFTA, as the saying goes, is not the one. It is not this NAFTA.

This agreement, as it has been negotiated, is a very poor agreement. It is a very unsubstantiated agreement in terms of the labor concerns and the environmental concerns of this country.

What I want to do tonight, Mr. Speaker, is go through in some detail about this agreement, some of the concerns, so the American public can better understand this agreement and understand why people like me and others on both sides of the aisle, Republican and Democrat, are saying "no" to this particular NAFTA.

Yes, we would like to see the President do well. We would like to see this country do well. We would like to see job creation. But we do not want the American people to have the wool pulled over their eyes, particularly at a time when this country is hurting like it has never been before. Joblessness is up in unparalleled and unprecedented marks all over the country.

So I think those of us that have been entrusted with the responsibility to do the right thing in the Halls of Congress and in the districts we represent must, indeed, make a conscious and a conscientious choice on NAFTA.

Let us talk a little bit about the arguments on the things that the pro-NAFTA supporters are saying. Well, one of the first and foremost things that you hear is that NAFTA is a job creator, that NAFTA will create jobs. In effect, the terminology that is used is that NAFTA will produce a net job gain. A net job gain.

Now, that is interesting, because we know that word "net" obviously entails something on the downside as it relates to the gross. So the proponents and the prognosticators of a pro-NAFTA movement are in essence saying to us that even they recognize that there is some downside to NAFTA, that there will be some job loss. But what they are saying is in the net sum of things, in the total summation, there will be net job gain. So what they are acknowledging first and foremost in the immediate and initial reaction of NAFTA is there is going to be job loss.

I first pose the question to you: Can this country afford even any more job loss? Can we afford it in California? Can we afford it in Ohio? Can we afford it in New York? Can we afford it in the Deep South? No.

The answer is "no" all over this country. We cannot afford any more job loss. Assuming, of course, we want to take that argument that there is going to be long-term job gains. I would submit to you the light at the end of that tunnel is not the light of hope of NAFTA, but it is a trainready to run us over and destroy the jobs that we presently are holding on to here in this country.

But let us explore that argument a little bit about job gain and what the proponents are saying.

Well, they base the job-gain argument on an argument that talks about

jobs per export. It is the jobs per export factor that you hear the proponents talking about, in essence saying that if you look at the trade with the country of Mexico, and we are concentrating on Mexico in this agreement, even though it is a tri-national agreement, the problems come in the wage and the job disparities in Mexico.

If you look at the situation in Mexico, you will find, yes, over the last 10 years exports from the United States to Mexico have been up. That is one of the key figures and statistics that the proponents will use to say, well, if it has gone up in the last 10 years, when we bring down these 10 and 15 and 20 percent tariffs in Mexico, it is going to go up exponentially in the next 10 years and be good for trade and job creation in the United States.

But let us examine those exports. The exports to Mexico over the last 10 years have gone up, but the exports have largely been exports in capital goods and not consumer goods. That is very important, because if they have been exports that have gone up in consumer goods, that would indicate that the Mexican economy and the Mexican market and the Mexican wage earner, the average buyer, their economic power has gone up. And that would seem to substantiate the argument that it would be able to be a good market for our goods as consumers.

But it is not consumer goods, it is capital goods. And the capital goods go right to what? Manufacturing. Machinery and equipment. Which means we are building factories in Mexico for the Mexican worker, with whom we have a wage disparity of 8 to 1, for them to build goods down there.

So it is not so much a question of us trying to export goods to Mexico. We are trying to build factories in Mexico so that the Mexican worker, who works for a cheap wage, a minimum wage of 58 cents an hour, the minimum wage in Mexico, so that they can build goods and in turn sell the goods back to us, because we as Americans are the ones that have the buying power.

Look at the annual median income of the Mexican citizen as opposed to the United States citizen. Do you realize it is a 10 to 1 disparity? The recent statistics out by the Census Bureau show that the median annual income of the U.S. citizen is \$30,000. In Mexico, at best, you are talking about \$3,000.

You heard the gentlewoman from Illinois [Mrs. COLLINS] speak of this claim that the Mexican worker is going to have a buying power of \$450 a year. But with the minimum wage at 58 cents an hour, and maybe the best Mexican worker making about \$3,000 a year, I submit to you that they are not going to have the buying power to do even \$450 a year. Even that is an extremely, grossly insufficient amount.

So what we have is an agreement that the American people have not un-

derstood fully, because it is kind of a three-card molly game. It is a little sleight of hand.

What it says to us is that this agreement is good for us because it is going to empower us to send more exports to Mexico. But what the agreement really is is this agreement is something that is going to be good for the industrial elite who are going to invest into Mexico. Once they invest into Mexico and build new factories and use Mexican workers with cheap labor, they are going to be able to export into the United States, which they can do right now, but not with the labor costs that they are going to be able to do it at.

That is important, because what that means is that their margin of profit is going to be much greater. It is the same old story. The industrial elite and the robber barons are going to make more, they are going to profit more, at the expense of the American worker, who is already suffering.

People say, "Well, is that really true? I mean, why would they want to go down Mexico? We see people like Mercedes Benz and other corporations coming to the United States to build factories."

Yes, they are coming to the United States. But once again they are going to export capital goods down there. They are going to build factories down there in Mexico. And, guess what? They are going to send back up a product back to the United States.

The product we are going to be sending down to Mexico that we have seen statistically is a lot of intermediary goods, too. These intermediary goods are just parts of the overall product. That means we send a part down there to Mexico, cheap labor assembles the rest of the product, and they send it right back on up here to us.

Why is that important? That is important because of import competition. Historically statistics have proven that import competition causes job loss. That is going to mean jobs for us, American workers, in the garment industry, in the electrical industry, and in the car industry. All these industries are going to suffer exponential job loss.

Now, another thing that you have to consider is the fact that NAFTA is an attraction to these industrial elite because it encourages them to circumvent the system that protects workers that we have built up over the years.

What system am I talking about? Well, I am talking about things like laborers' rights, the right to collectively bargain. I am talking about things like workman's comp. Yes, workman's comp in some areas of the country has gotten out of hand. But, god forbid, if you slipped and fell on your job, that you did not have some type of compensation, reasonable compensation.

You think you are going to get that in Mexico? No. You think you are

going to get collective bargaining in Mexico, which has had one political party since the 1920's? And they want to call it a democracy?

No way. You are not going to get any laborers' rights; you are not going to get any collective bargaining; you are not going to get any workman's comp; and you are sure not going to get any health care.

□ 1800

What is on the table here in America? We are trying to pass a national health care plan, a Health Security Act for the first time in this country. But you can best believe that if you are a corporation or an industrial leader and you are concerned about paying the cost of health care here in America, then you are not going to be worrying about paying the cost of health care down in Mexico, and that is where you are going to go to circumvent and to avoid those costs.

Another argument that is given is that NAFTA will only affect low-skilled jobs. There have been recent articles. One was just in the L.A. Times a couple of weeks ago that showed where a Hughes factory went down to Mexico, and the guy who was writing the article had worked for Hughes. He was laboring under that same illusion, that only the low-skilled jobs would be displaced by Mexican low-wage workers. That is not true.

The reason it is not true is because even though the Mexican workers work for low wages, they have high productivity. And it has been demonstrated and it has been evidenced that they have high proficiency. In fact, if you think about this, you will realize why that can be. And the Mexican workers, even though they are going to be paid low wages, they are going to get high training. The reason why they are going to get high proficiency and good training is because of the money that the American corporation will save on wages. They can then put that into training.

In fact, one of the very insidious and pernicious things about NAFTA is that we are eventually going to do for the Mexican worker what we will not do and have not done for the United States worker. We are going to put money into training them and giving them the kind of training programs where right here in the halls of Congress this Congress this year, we had in a stimulus package worker training, worker dislocation, and all of these kinds of things that we have been fighting for here in Congress and we have not gotten.

When I go back to my district, the No. 1 thing people want to know about is jobs. The No. 2 thing people want to know about is jobs. The No. 3 thing people want to know about is jobs. Where are the jobs?

We have gotten dislocated in aerospace. We have gotten put out because

we have no domestic policy any more, no industrial policy. People want to know, where is the peace dividend. If we have downsized on the military, then where is the money? Where is it? So we have not put money back into the kind of retraining and economic conversion programs in our own country, but yet we are willing to take that money and take it down to Mexico. And we are willing to train them. Is that the American way?

As I said, it will not just affect low-skilled jobs. It will affect all jobs.

The other thing that NAFTA will do, if it passes, and God forbid, is that it will not only displace jobs, it will affect and it will pare down wages, meaning that what we should be trying to do with the North American Free-Trade Agreement is bring up to good wage standards the Mexican economy and the Mexican wages of the average worker, instead of allowing that market to dictate our wages and to bring our wages down.

The way that the agreement is presently constituted and structured, that is what is going to happen. Because with the wages, with no guarantee in the agreement to boost up their minimum wage, their minimum wage, again, 58 cents an hour, with nothing in the agreement that holds their feet to the fire to boost up the minimum wage, when the cheap labor is flowing down there and the unions up here say, "We want to make sure that we are paid union wages," the American corporations, the U.S. corporations are going to say to those American workers, "Go take a hike, because we can do better. We can go down to Mexico or we can put this product together for minimum wage. We do not have to compete with you any more. We do not have to adhere to you any more. We can take our business elsewhere."

And that is the danger, that it is going to bring down the wage level of American workers.

There are so many things about this NAFTA agreement that are important for you to know. Another thing is that \$1,000 per U.S. worker in the lower 70 percent of the labor force will bear the brunt of the cost of NAFTA. So who is going to end up paying for this NAFTA? It is the little guy, once again. It is the low-wage worker who is going to end up paying for NAFTA.

There is an argument that says that NAFTA is great because NAFTA is going to curb and solve the illegal-immigration problem. That could not be any further from the truth. We did not see that happen in the maquiladora program a few years ago, and it is not going to happen now.

What is going to happen is the dislocation of Mexican farmers, when we go down there and exploit the Mexican terrain. Those farmers are going to move closer to the border, and they are going to still be living in squalor. They

are still going to have an environmental problem which, by the way, the NAFTA agreement does not speak to. There is nothing in NAFTA that has any teeth in it in terms of holding the Mexican Government accountable for the work that needs to be done on the infrastructure and the environmental cleanup down there on the borders.

There is nothing but a lot of pipe dreams and promises, just like there is nothing but a lot of pipe dreams and promises about net job gain down the road, in the by and by. That is what we are hearing, but there is nothing in writing. It is the same old used car salesman scam that says, "If you do this, we will promise you this, we will promise you that." But there is nothing in writing.

Another argument about NAFTA is that either we do this NAFTA agreement or lose jobs to Mexico or lose jobs to Asia. One thing is this, in Asia, particularly one of our big competitors, Japan, the Japanese wages are higher than the Mexican wages so that is one thing you have to understand.

But the other thing is this, by not doing NAFTA, do not listen to all the scare tactics that say that the Japanese are going to come in and they are going to do the NAFTA agreement. They are going to get one up on us. Those are just the protestations and scare tactics of people who want us to accept and to subsume this NAFTA agreement, which is not right.

The Japanese are smart. They are not going to go for the NAFTA deal like we are going hook, line, and sinker for the NAFTA deal, because they are a closed-market, protectionist type of society. That is why we have the problems we have already.

But, of course, the proponents of NAFTA would say, "Wait a minute, you got it all wrong. What does that have to do with NAFTA? NAFTA is not trying to move into the Japanese market. It would be inviting the Japanese to move into their market."

Once again, that is the sleight of hand, and that is the veneer, the lie that is being perpetrated by the NAFTA proponents. NAFTA is not so much about our exports into their market. It really is about allowing and empowering the Mexican economy and the Mexican marketplace to export effectively into us.

Oh, sure, we will go down there and we will export more to Mexico, but once again, we are going to be exporting to build factories down there. We are going to be exporting our jobs down there more than anything else. And even if you assume for the moment that we are going to be exporting some consumer goods, guess what? Because NAFTA does not cure illegal immigration, just like we see in California, what we are going to have is more and more illegal immigrants working in places like the border States of Arizona, California, and Texas. And even

then workers will be dislocated and displaced, because the average worker who is in a union, who deserves decent wages, they will be undercut.

They will be undermined by those who are not in the unions, by those who are illegal immigrants. Even the exports that we send to them will not be reflective of job retention for U.S. citizens.

People talk about free trade is a good thing, because free trade is mutually beneficial. But I mean, even that very term in and of itself belies the truth, which is this: somebody is going to come out on top on NAFTA. You cannot have a trade arrangement or relationship and both sides have a surplus. There is going to be a surplus for one trading partner and not the other, or there will be one for this trading partner and not that one.

What that means is that the United States feels that it is going to be the trading partner who is going to come out smelling like a rose on this. But do not think for one moment—I have been down to Mexico. I talked with Salinas, and I talked with their trade minister. Do not think for one moment that the Mexican Government and the Mexicans do not think that NAFTA is the cure-all for their economy.

It is their boon. They are hocked up to the hilt. Their economy is hocked up to the hilt. They have a \$20 million deficit, based on foreign investment. That is the only way that they have been able to stay afloat. They want this NAFTA agreement to go through because it is going to bail them out. They want this NAFTA agreement to go through because they believe it is going to put them in a position where they have a trade surplus. How? Based on the exports of products that have been made by cheap labor.

Believe you me, they are going to be selling back to us everything that they make down there. Even if it originates here, by the time it gets there and it is put together, they will be doing what is called a U-turn export, which comes back to us as an import, but it is an export on their books. And they will end up with the trade surplus and not us.

Those of us who still have a job will be able to afford the things that they sell us, because they will be reasonably priced products. But the half a million to a million of us who are out of a job, we will not be able to afford anything. That is NAFTA.

The proponents of NAFTA have said, "We need to do this agreement and we need to support Salinas because Salinas is the first President in the history of Mexico who has been a reformist. He is progressive."

□ 1810

He has totally reformed the country. We need to support him.

President Salinas is just more of the same in Mexico. He just carries a bet-

ter cloak and a better veneer. There is a party in Mexico, the PRI. That party has been in power since the 1920's. What does that tell us? When they want to tell us it is a democracy, that is a great democracy. No other party has ever gotten in power.

Thank God, whether you are Republican, Democrat, or united we stand in this country, thank God there is some choice. There is no choice in Mexico. In fact, over the last couple of years, since 1988, there have been over 100, over 100 election-related deaths in Mexico, because if you speak out against the predominant party, if you even talk about or think about some other alternative to the PRI and to Salinas and what they are trying to do, you can forget it. You will probably end up joining Jimmy Hoffa on some highway down south of the border. You will never be found again.

There is no democracy in Mexico. We cannot believe for one moment that all the promises about doing the right thing, putting money into environmental cleanup, having labor rights, collective bargaining, they say they have unions in Mexico. With the kind of democracy they have in Mexico, that can tell us right away what kind of unions they have in Mexico.

People say that we should be helping democracy in Mexico by supporting the NAFTA agreement. The only way we can help democracy in Mexico is by denouncing the North American Free Trade Agreement, because by corroborating and by supporting the North American Free Trade Agreement, it is only rewarding a nondemocratic and autocratic society.

What we must do is, we must stand against it. We must take a stance. We must let the Mexican Government know that the only way that we are going to deal with them is that they get their act together. That is what happened in Europe. The European Common Market said, in essence, to Spain, Portugal, and Greece: We would love to have a common market with you. We would love to have this common trade entity, but the only way we are going to do it is that you get your act together, meaning that you are going to have to commit money to cleaning up your environment, you are going to have to commit not only money but you are going to have to commit yourselves democratically, so that your society and your democracy is where it should be. You are going to have to bring your wages up so that you will be a partner, and not just somebody we are carrying.

That is what they did in Europe and it worked. However, the wage disparity between the United States and Mexico is such that we would be subordinating ourselves to low wages. That is something that we should not do and must not do. That is why we must vote against NAFTA.

Finally, the side agreements as they have been laid out are totally insufficient. Once again, they do not address permanent financing for an infrastructure to better our environment. They do not commit moneys to worker dislocation or worker retraining or border patrol.

I heard last week that the President was making some representations about \$98 million for worker retraining. My goodness, what a great offer. You can figure it out yourself. We have 50 States. At \$100 million, it would be like \$2 million per State; \$2 million will not even help one city in my district. We have got to have some real financial commitments if there is going to be worker displacement, which there ain't no "if" about it, we know there is, and we have to have some money to address that.

We have to have some money to address the environmental problems down there, which are just horrendous, horrendous.

Last, when we look at the problems in NAFTA, the regulations and the system for redressing that is set up, this trilateral commission procedurally that is set up to address any problems that happen down the road, the ones that are going to happen, it is a joke. It is a joke, because there is a \$20 million sanctions cap. It is also a joke because if any two countries out of the trilateral relationship do not agree to it or want to say that there is no problem, then it is overruled.

The process is very convoluted. By the time you get to any type of redress, you are about 5 or 10 years down the line. NAFTA just brings and codifies more of the same. It does not bring Mexico up into the economic and environmental standards it should be at. Until we have that kind of agreement, the summary point on NAFTA is that we must not just swallow this elephant whole. Let us take it one bite at a time.

Mr. Speaker, let us go back to the table, let us encourage Mexico to become more democratized. Let us encourage Mexico to be more environmentally sound. Let us go back and let us get the best possible deal we can get for the American public, because when I hear my cohorts and colleagues talk about the fact that "Well, it is an all or nothing situation, we have to take this NAFTA now," and if we do not take it, our country is going down the tubes, Mexico is going down the tubes, no, Mexico is not going down the tubes because we are going to vote down NAFTA.

Mexico might go down the tubes anyway because they are hocked up to the hilt on foreign investments and they have a \$20 million deficit. However, if they go down the tubes and we do not support NAFTA, then only a few industrialists will go down the tubes with them. However, if they go down the

tubes and we have supported NAFTA and we have poured all of our investments into NAFTA, then guess what, you, the American taxpayer, are going to be left with the tab and we will go down the tubes with Mexico. That is what we have to remember.

So no, it is not that we are against free trade. It is not that we are against a North American Free-Trade Agreement. It is that we are against this one. It is poorly crafted. It was poorly negotiated. It does not support the concerns for American workers, American jobs, American wages, and the environment, which will affect the United States and Mexico on both sides of the border.

Until we get realistic and responsible and go back to the bargaining table and to all the people that say, "Well, this is it," no, this is not the final say-so. It is not the final chapter. NAFTA will be defeated. NAFTA will come back again, and we will ensure that NAFTA is negotiated with our best interests at heart and the best interests of the United States and the U.S. workers at heart. Then we will have a North American Free-Trade Agreement that we can support.

Ms. KAPTUR. Will the gentleman yield, Mr. Speaker?

Mr. TURNER. I yield to the distinguished gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from California [Mr. TUCKER]. I was working in my office and I heard the gentleman speaking on the floor. I saw the gentlewoman from Illinois [Mrs. COLLINS], the chairwoman of the Subcommittee on Commerce, Consumer Protection, and Competitiveness of the Committee on Energy and Commerce, before which I have testified.

I just had to rush over here on the floor and say, first of all, that I am so glad that the people of California elected you and sent you here to the Congress of the United States last year, and to see your service in your early terms here and what a contribution you are making to the people of your own State and the people of our Nation.

I would say to the gentleman that he does not have to be here tonight. The gentleman could be out at dinner or somewhere else, and yet he is here late, in the closing hours, on the floor speaking out on behalf of our people. It just goes to prove the elections do make a difference.

Mr. TUCKER. I thank the gentlewoman so much for those kind words. We certainly laud you for your leadership, not only on this issue, but on issues, of conscience that have come up on the House floor time and time again. I just want to encourage you to stay steadfast.

We certainly appreciate your thoughtfulness and your leadership.

Ms. KAPTUR. If the gentleman will continue to yield, I would say that we will be partners in this together.

I just want to submit for the RECORD this evening, and spend a little time, if I might, just a couple of minutes, describing a report we presented to the gentlewoman from Illinois [Mrs. COLLINS] before her subcommittee today, a report called "The Human Face of Trade."

There was a bipartisan delegation of eight women Members of Congress that went to Mexico back in May to really follow what companies that had left our country and had moved down to Mexico, and then to compare what had happened to the workers here and what was happening to the workers in Mexico.

Mr. Speaker, we even have in this report the pay stubs of the workers in Mexico, how much they are earning for the work they are doing. What was interesting about that trip was that the gentlewoman from Illinois [Mrs. COLLINS] represents a district where Zenith Corp. had moved out of, South Chicago, IL.

We were in Reynosa, Mexico, where 12,000 citizens of Mexico are employed in that particular company. All the workers in Illinois have lost their jobs, all the workers in Missouri have lost their jobs.

We got the pay stub of a woman who had worked at the Zenith plant for 10 years. She takes home, after a 48-hour work week, \$17.35 a week.

This report is called "The Human Face of Trade."

I would like to submit it for the RECORD this evening. Of course, if people who are listening would like a copy of that, they can certainly call Congresswoman MARCY KAPTUR's office here in Washington and we can send it along.

When I knew the gentleman was down here on the floor, from California, I wanted to bring this chart down to the floor. This is one of the companies that was lost in the gentleman's home State of California, Green Giant. In Mexico, of course, they rename it Gigante Verde. We all know the symbol of the jolly green giant. In Watsonville, CA, Green Giant used to employ 800 more people. Those jobs were lost.

The workers in Mexico were hired. There were 1,000 workers hired in Mexico at this plant, and they are being paid \$4 a day, a day. The workers in California were paid \$7.61 an hour.

□ 1820

And one of the issues I wanted to bring out tonight was this tremendous wage disparity between California and Mexico. And also that the people, you talked about job retraining and what are we going to do with the people who are put out of work, the people who worked in the Green Giant plant in Watsonville, CA, were largely women, minority women, and they worked for many years to achieve a salary of \$7.61 an hour, plus benefits. Many of those

women have not found jobs. For many of them, this was their first good job, and many of them are single mothers supporting their own families, working very, very hard.

And then what is tragic about this whole situation is once Green Giant grows broccoli down there, packages it, and sends it back here to the United States, the people in Mexico do not eat the broccoli, we do. And the prices do not go down in the grocery case.

So I wanted to come down here to the floor particularly tonight to present this information and commend you, Congressman TUCKER, for your fine, fine work on this. As the American people know more about this, and they understand what this agreement is really about, and that is giving a Good Housekeeping stamp of approval to this type of corporate relocation where workers in this country are hurt, and workers in Mexico do not earn a living wage, then the American people, and we here in the House, are going to defeat this particular NAFTA agreement.

So I thank you so much for doing this special order this evening.

Mr. TUCKER. Thank you, Representative KAPTUR. We certainly appreciate your contribution. That information is very devastating indeed. When we think about, as you indicted, the wage disparity, plus the lack of benefits that they will receive down south of the border, it shows that there is exploitation on both sides of the border, and that the Mexican worker is certainly going to be exploited, and those who had a job in California have been exploited and tossed aside.

The thing is in California there are no new jobs that are being created. So it is not like you were saying that well, 800 jobs were lost but some other jobs came along to make up for them. There are no new jobs out there for those 800 workers who were displaced. And there is no money out there to retrain them or relocate them. So it is devastating, and particularly as you indicated that these were women, many of whom were the heads of their own households. And not only is it devastating to them, but it is devastating to their entire household, exactly as you have pointed out, and that is what the American people need to understand. They hear all of the glitter and the glitz about trade, trade, trade. As a basic principle that may be true. But as many of our colleagues on the other side of the aisle quip all of the time, the devil is in the details. And this is one time that we are going to expose the devil and let the details be seen for what they are.

Ms. KAPTUR. And you know, when we looked at the paychecks of the women that work in a number of those companies in Mexico, it was interesting. Not only did they take home about \$17 or \$18 a week, but if you look at the deductions that the companies take out of their checks, there was one deduction that I did not understand. It is

called INFONA. It is for housing. And I asked one of the women workers, I said that is quite a bit out of your paycheck, and it was in fact about a third of what she earned in pesos that week. I said what do you get for your housing, do they help you buy a house. And she laughed, because they lived in a very little shack up on a dirt road in this shanty town. And she said, "I don't know where the money goes."

Our own Embassy told us that the Government of Mexico collects over \$62.5 million, and we were told the companies pay this money, but it is coming out of the workers' checks. That money goes down to Mexico City.

I include for the RECORD the typical female worker's paycheck and typical male worker's paycheck in United States-owned maquiladora industrial plant in Mexico.

Typical female worker's paycheck in United States-owned maquiladora industrial plant in Reynosa, MX

Regular, 47 hours	122.20
Overtime, 1.1 hours	20.00

Gross pesos less deductions	142.20
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Deductions:

ISPT	0.15
IMSS	9.00
Infona housing	31.00

(A housing allowance is paid by the worker but the worker receives no benefit.)

Street Cleaning	2.50
Washer Loan	30.00

(Cost of company loan to buy a washer. The worker paid \$200 in January and the washer will cost \$40 by December.)

Despl Komida	
Savings	11.00
Union Dues	6.50

pesos	90.15
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Net=\$2.05 pesos or \$17.35 per week U.S. dollars.

Typical male worker's paycheck in United States-owned maquiladora industrial plant in Nogales, MX

Regular, 48 hours	71.400
7th day	11.90
Attendance bonus	16.000

Gross pay, less deductions ..	99.300
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Deductions:

Cafeteria	800
ISPT	97
Government union dues	100

	997
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Net pay=\$98.303 pesos per week or \$32.76 week U.S. dollars for 7 days work.

I heard what you said about democracy building in Mexico. That money does not come back to help the very woman whose check that it is taken out of. This same woman has a battery in the back of her little home, and she uses the battery to run a washer. There is a huge family that lives in this little building. And in January she had to get a loan from the company. Tell me what this sounds like to you. She bought a \$200 washing machine in January that by December will cost \$400,

but the company made her the loan. So out of her check she is paying exorbitant interest on a washing machine that she should have been able to buy, and of course she does not have any electricity in her home. It has to be run off of a battery.

So this is really interesting to me. That is why we called this report the "Human Face of Trade." And I am very proud to say that every single woman Member who went with us, each of their names is on the report, including Congresswoman COLLINS who spoke earlier this evening and who was the senior woman Member on our trip. We are very proud of the time she spent with us.

Mr. TUCKER. That is excellent. It is very enlightening information indeed, and I like the title. You are right. We have to put a real human face and provide information that shows the human side of this agreement. We hear so much political posturing about how this is great for trade, this is great for the economy, but when we really see the impact on the average worker on both sides of the border, then in all good conscience, there is no way that we could support this agreement. I think that each and every Member of this House has a responsibility to vote against this agreement. If they are voting for decency, if they have any morality at all, they would not vote for this. So I am certainly going to encourage all my colleagues, as I have been, to vote against this agreement, and to force not only the pro-NAFTA, the proponents and supporters here to come back to the table, but as you indicated, to force a democratization in Mexico, because only by standing against that kind of exploitation will it get better. It will not get better by us condoning it, but only by standing up against that wrong will it get better. And that is what we have to do now.

I certainly appreciate those comments.

Ms. KAPTUR. You and I both represent major agricultural States, and there is a lot at stake for agriculture in this agreement. What I found very interesting is when these processing workers lost their jobs at the cannery in California, the farmers who grew the broccoli and the cauliflower also lost their market when that Green Giant stopped buying from them, and they moved their production down to Mexico. What was interesting is when you go down to Mexico you find that what happens is Green Giant then has its own fields, or they rent fields from certain farmers. The farmers down there are not wealthy enough to own large farmsteads as we do here.

Mr. TUCKER. They are small, poor farmers, yes.

Ms. KAPTUR. That is right. And they hire workers at 40 cents and 50 cents an hour to pick the crops in the field. And if I compare, for example, a

tomato grower in Ohio—a tomato grower in Ohio has to pay about \$250 to rent acreage to grow tomatoes. And under our law, they pay their farm workers in this country about \$5.15 an hour, plus benefits. In Mexico it costs about \$40 an acre to rent the ground, and the workers there earn about 40 or 50 cents an hour.

So the pressure to move processing down there is great. And I went to the grocery store when I came home, I went back to Toledo, OH, and I went to find all of the Green Giant products. I hope all of the shoppers in America are listening tonight, and I encourage you to go into the shopping cases, take out the Green Giant products, and then turn it over, try to figure out where it was grown, and where it was processed. You will find the most interesting set of labels. You have to have really good eyes because the print is so small you practically have to squint to see it. But it is very interesting to ask yourself where was the food grown, how was it grown, how was it processed, and who really benefited from this international movement of production that ultimately ends up back here in the United States. The people in Mexico cannot afford to buy freezers. That stuff all comes back here.

Mr. TUCKER. That is the point. Thank you for your contributions this evening. I would like to see a copy of that report also.

Ms. KAPTUR. And thank you, Congressman, for your leadership.

Mr. TUCKER. Mr. Speaker, I yield back the balance of my time.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

U.S. MILITARY OPERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, I borrowed some time from another colleague's 1-hour special order last Thursday before we adjourned, and I was very rushed because we were trying to get in three subjects at one time. Two of them are not life endangering, but very important domestic issues. But to go over the color photography that I took over the skies of Mogadishu 2 weeks ago, and to go through some very important pictures in 30 minutes was a strain on me, and I think a strain on the audience. They wanted to study the pictures a little bit closer, and for the audience of 1,200,000-plus that watches these important special orders, that are still part of what we do here in the Congress, the

gavel has not come down, Mr. Speaker, you are still in the chair.

□ 1830

The House of Representatives is still in session. Yes, the legislative business is finished; yes, we are still stuck with this policy that was supposed to end in January of this year, which was put into effect three Speakers ago, where we planned the cameras on an empty Chamber to give the impression nobody is listening when over 1 million Americans as far away as Hawaii, Alaska, the territory of the Virgin Islands, Puerto Rico, 1¼ million people are listening. I did not mean to be rough on our excellent communications crew which is one floor down about "Please come in close on these pictures." I understand they did a superb job. I was not making it easy for them, because the photographs were all loose and I worked out a system to keep them all in the original Kodak box and to leave them steady so I do not put a light flash on them. I think this will help our excellent men and women downstairs benefit me and my special order by showing these pictures more carefully.

After my special order last week, I went back to the hospital at Walter Reed, the U.S. Army Hospital, met Commanding General Blank—a more perfect assignment has never been made in the history of our Army. Our young wounded Rangers and Special Forces troopers in that hospital told me that General Blank, a major general, comes by every single day at least once to ask how they are doing and to get any comments on their medical care.

I saw some of the young soldiers that I had seen on a prior visit plus I did get a chance to see a young trooper who gave his right arm and right leg in attempting to reach a burning downed helicopter to retrieve the remains of our American heroes, three of them who died on that night in the wee hours of the morning of September 25. More about him later.

His name is Christopher Reid.

Young Sergeant Reid up there in Walter Reed Hospital is a young American of African descent who suffered bad burns on his left side. He is right-handed, he lost his right arm and leg. His spirits are up.

I understand that when Clinton saw him the weekend before last, that it brought the Commander in Chief to tears, and well it would, because his spirits were so upbeat. He had hoped to make the Army a career, and he gave just one step this side of what Lincoln called the ultimate sacrifice, giving your life that others may live, and in this case just so that the parents might have the solace of a funeral.

Young Christopher Reid I think is going to be an inspiration to all Americans of any age as he shows his spirit, works his way through life, using pros-

thetic devices that he is already training to use. He was training to use them within 2½ weeks of his serious traumatic nightmare with this explosion as he was reaching this downed burning helicopter at about 4 o'clock in the morning on September 25.

Then Monday of this week I went down to meet with tremendous Army and civilian personnel at the Redstone Arsenal at Huntsville, AL, to learn where we have let our Nation down on strategic defense.

The Army now is the lead service in defending our homeland from nuclear missile attack; even from one or a handful of nuclear warheads coming at this country that are accidentally launched or deliberately launched by some crazed warlord somewhere, 1 or 2 is not 30,000 but it can completely destroy an entire city like New York, Los Angeles, or the District of Columbia.

As I said today in a 1-minute speech, the Americans that survive will certainly want to burn down this Congress for not providing us the defense to stop even one missile.

So down there at the U.S. Army Space and Strategic Missile Command, I received an all-day education in not only what the Army is trying to do to defend the United States but where we have helped them in Congress and where we have let them down.

Then I climbed in this little Army C-12 Beech King Air and flew up to Fort Bragg. Fort Bragg is what one of the general officers there called the Valhalla for the best trained soldiers in the world. He said that our 75th Ranger Regiment is the best infantry in the world. What can you do to a Ranger to make him better? Well, maybe to make him a paramedic, to train him in underwater infiltration, to train him in high-altitude parachute infiltration at high or high-altitude low-opening, high-altitude low-opening, teach him two or three languages, train him in civic action, make him an accomplished electrician, carpenter, plumber.

The Special Forces men that serve us in the United States, every one of them has been through Ranger school and then all of these other survival schools and craft schools and language schools. I never saw better sergeants in my life than those who stood for me in front of their equipment and explained to me what they do in the average A-team that we became familiar with in the early days of the Vietnam war.

There are five Special Forces groups around the United States, backed up by two in the National Guard, two in the Reserve. Each one has a geographical responsibility for our five regional combat commands: Pacific Command; European Command; Central Command, which is the command that has authority over the Horn of Africa and all of the Desert Storm operational areas; Southern Command, which is the Central America and South Amer-

ica. Which one am I leaving out? The Atlantic Command, which has just been renamed the A Command instead of just LANTCOM.

These young soldiers down there, there officers and warrant officers at every level, just made me proud to be an American and to serve them in any way I can here in the U.S. Congress.

When I visited in the morning with the deputy commander, who wears two hats, he is over the U.S. Army Special Operations Command, that is both the Rangers and the Special Forces, and some very secret operations, and the psychological operation, the civil action operations, and is also, with another hat, the deputy commander of just the Special Forces. Gen. Richard Potter had had on his wall something that caught my eye. I asked him if I could please have a copy of it. So one of his staffers typed it up for me. I think it tells you a lot about what our highly trained men feel when they serve around the world, particularly in secret situations where there is never any glory, there decorations are given in private, known only to their families. And I think this, by the French author of a trilogy of books, the most famous being "The Centurions," about Vietnam. Then he wrote other books about the conflict in Algiers.

Here is what Jean Larteguy says:

I would like France to have two armies, one for display with lovely guns, tanks, little soldiers, fanfares, staff, distinguished and doddering generals and deal little regimental officers who would be deeply concerned over their general's bowel movements or their colonel's piles; an army that would be shown for modest fee on every fairground in the country.

The other army would be the real one, composed entirely of young enthusiasts in camouflage battle dress who would not be put on display but from whom impossible efforts would be demanded and to whom all sorts of tricks would be taught. That is the army in which I would like fight.

Some of our unsung heroes in Somalia certainly fit into that category of the battle-dressed, camouflaged heroes known only to their comrades-in-arms.

Mr. Speaker, since I was last on the floor, I continue trying to understand why our great Rangers and Special Forces men and the 160th Special Operations Aviation Regiment supporting them and why the young heroes of the 10th Mountain Division Light Infantry trying to get to them in the rescue operation, why they would be engaged in a 15-hour firefight and why civilians in our command structure back here would have denied them the armor or armored cars or the armored personnel carriers to effect a true rescue.

□ 1840

I showed this on this floor and I will show it again in a minute, a picture of T-72 tanks. Those were the main battle tanks of the Communist forces

throughout the world. In many quarrels with the United States, the Government of India decided to buy their equipment from Russia.

I photographed it all. I will show those people who are interested in following these proceedings of our Congress, Mr. Speaker, five T-72 Russian designed, either built or bought from Russia or one of the East bloc countries or built under license in India. But the nation of India, part of the 2½ dozen nations that are part of the U.N. operation in Somalia, I now find out that the nation of India—I did not know this last week—has 14 T-72 main battle tanks that were just 15 or 20 minutes away from the action and sat unused during that whole 15-hour fight.

As our terrific commanding general of the Quick Reaction Force there, Tom Montgomery, told me, he called, asked if they would help. They said they had to call Delhi, the equivalent of our Pentagon in their capital city.

I have since found out that Italy has 12 M-60, United States-made M-60, battle tanks. That was our No. 1 tank facing off the Soviet Union and East bloc forces for almost a 15-year span. That M-60 replaced the great M-48 Patton that was our main tank after the Korean war up until into the sixties when all during the sixties and early seventies it was the M-60 tank, and then throughout all the rest of the seventies and the early part of the eighties, it was a mix of M-60's and the brand new M-1 Abrams coming online.

So Italy had 12 M-60 tanks. They also have one of the world's best armored vehicles, the Centauro. They had about 15 of those, still have them there.

Turkey has a dozen M-48 tanks, the venerable Patton tank that served us so well under General Patton's, for example, 11th Armored Regiment in the 3rd Corps area of Vietnam, M-48 Patton tanks.

The final model of that tank, the A-5, Pakistan has an unknown number of those. Turkey has 12 of them.

Pakistan also has 60-five dozen M-113 armored personnel carriers. That was our main APC throughout the entire Vietnam war.

The Bradley has only come online in the last part of the 1980's, the M-2 Bradley.

France has one of the world's finest armored vehicles. They make them themselves, the VAB. They have 20 of them.

Where were these armored cars with hardened tires that can take many, many rifle rounds and can still get around on two or three tires with several shot out?

Malaysia has the American-made V-150, called the Commando, built by Cadillac-Gage. They seem to have a dozen of those. I am still waiting for their attaché to find out how many.

In addition to India's 14 T-72 tanks, they have something called a TRAWL.

I do not know what that acronym means, but it is a mine-clearing tank, and they have four of them. Imagine how they could break through some of these barricades on the October 21 Highway and how easily they could have gotten, in spite of autodetonated landmines, to our people under siege for 15 hours.

So I will continue working on this part of the story, Mr. Speaker, and try to get an accurate accounting of all the armor available on the ground in Somalia.

My colleague, who himself was a member of the 75th Rangers in Vietnam after his original unit, the 173rd Airborne Brigade came home, the gentleman from California [Mr. HUNTER], glad to have the gentleman join me, and I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding to me.

As a guy who did absolutely nothing special with the Rangers, but who showed up in Vietnam, as the gentleman from Orange County did, it is a pleasure to be here.

I just want to say, and I think I can speak for all the members of the committee on this point, that of all the members of the Armed Services Committee who have many pressing duties at this time of year, who are putting together the conference agreement on defense and we are trying to see to it that our men and women in the armed services are well-equipped, and all the jobs that we have, being back home with our constituents and sharing some time with our families, there is one Member who has undertaken since the tragedy in Somalia the task of really working on this project and trying to develop all the facts which the administration has been very reluctant to assist in putting forth, there is one Member who has really given a great deal of his time and his personal comfort.

He flew for 40 hours straight going to Somalia and back shortly after this tragedy and he has continued to work this issue, and that is the gentleman from California [Mr. DORNAN], the gentleman who just yielded to me.

I say to the gentleman from California [Mr. DORNAN], BOB is one of my best friends and a very fine Member of this body. I think that all of us on the Armed Services Committee and everyone in the House and the American people owe the gentleman a debt of gratitude for his persistence, for all the time that he has spent on this and for the service that he is doing with the families of those who have fallen, because at least through the gentleman they are understanding what happened.

I know that is a very important thing to these people. I know we have some folks here who are watching tonight, who are members of the families of some of the fallen Americans, and the

job and what the gentleman has done has been very, very important to them.

So as a member of the Armed Services Committee on the Republican side, but this is totally bipartisan, I think the whole committee owes the gentleman a debt of gratitude. We want to thank the gentleman for what he has done.

I just want to ask the gentleman, what outstanding issues does the gentleman think we have here that need to be pursued in the coming weeks?

Mr. DORNAN. Well, I thank the gentleman from California [Mr. HUNTER] for his kind words.

As a certain legendary radio personality says, "Megadittos" to everything the gentleman said about me, and it goes for the gentleman from California [Mr. HUNTER].

The gentleman and I had lunch yesterday with the wife of the first American killed in the latest round of intensified hostilities. We had four Americans killed singly, a sniper fight, a landmine accident with a civilian, 51 years of age, his family was informed Christmas Eve last year, Larry Freeman.

I saw the mother and saw a letter that I am going to put in the RECORD of the first marine killed in a firefight near the international airport.

Another marine was killed by a land mine.

We have had four others, two in truck accidents, two in deaths off duty.

There were eight, two under President Bush and six under President Clinton in this vague UNISOM mission after Restore Hope was declared mission accomplished on the South Lawn of the White House on the 5th, and it stayed at eight for several months, and then came August 8 of this summer when for the first time more than one American died. Four died together in a Humvee.

The wife wrote a letter, a letter to all of us. I read parts of it the other night.

The sister came with the wife of Sgt. Keith D. Pierson to visit with us. While we were having lunch with them, they both handed me this letter, and with their permission, I would like to read it into the RECORD.

Sgt. Keith D. Pierson's sister, Laura, has served in the U.S. Coast Guard for 8 years. There are two brothers and two sisters in that family, in the Pierson clan, and 50 percent of them served their country.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield further, I might say that I have met, pursuant to the gentleman's introduction, I have met the sister of Mr. Pierson. She is a wonderful example of service to the United States in her position in the Coast Guard.

Mr. DORNAN. You know, we have a rule that we are not allowed to refer to the gallery here. I saw that rule broken once, with the only living five-star general officer on active duty. There were

seven during the war and only one after World War II, and among those seven were great names like King and Leahy and Eisenhower and MacArthur and Arnold, and forgive me for leaving out two naval officers, Nimitz, seven of them, and then they added Omar Bradley, Patton's commander during World War II. He was sitting up in the gallery once in uniform with his lovely wife. And somebody asked permission, if we could refer to him, so that the whole House would know. He died within the year, so it was a real honor to have a five-star general, played so beautifully by Carl Malden in the movie "Patton."

□ 1850

Mr. HUNTER. Mr. Speaker, if the gentleman would yield, I met him on inauguration day at Ronald Reagan's inaugural speech.

Mr. DORNAN. I think it was that week because we get sworn in 3 weeks before the President in any January of a new President's inauguration, and that is when he was in the gallery, and, Mr. Speaker, I would like to ask that I point out that in the gallery tonight are Laura Pierson and the wife, Mrs. Keith Pierson, and with their permission I read this letter.

The SPEAKER pro tempore (Mr. BARRETT) of Wisconsin. The Chair cannot entertain that request, and allusions to the gallery are not permitted.

Mr. DORNAN. All right. Thank you, Mr. Speaker.

"Somalia: How many more soldiers have to die?"

This was in the Boston Globe just 2 days after that firefight, 3 days after, on October 7.

My brother, Sgt. Keith D. Pierson, was killed in Somalia on August 8 after an explosive device went off under his Humvee. The four soldiers who died that day made the ultimate sacrifice for their country, proud and strong to the end. I, myself, have proudly served in the U.S. Coast Guard for 8½ years and can understand how my brother felt serving his country. It is something you learn growing up, to have a sense of pride along with a personal investment.

There are some who will say that a military career is one entered into with a known risk to one's self and possible loss of one's life. However that is not the question today. Today we have men and women all over the world on missions to, quote, restore peace, unquote. Is this really possible in a world so diverse?

Prior to the incident there was not much news on our mission in Somalia, only that we were involved in a humanitarian mission to help the starving people of that country. Keith was a proud soldier and believed in serving his country for the greater cause, never questioning why, or why me, and for that I find a certain solace in that he died doing just that.

We obviously did not learn the lesson that the rules had changed and that we were not and are not wanted in Somalia. More soldiers have died and been captured. I can only begin to imagine the pain of the families that witnessed their sons, husbands, brothers, fathers, being dragged through the streets by dancing Somalis who just want us to leave.

I can remember, as if it were yesterday, when I got the call that Keith had died.

Actually that call came from his wife, Jodie.

It is difficult to accept when the incident is so far away, and, no matter how many times you see it on television, it just does not seem real. How could this have happened? He was just there to assist in delivering food to starving people. When did this turn into such a bloodbath for American soldiers? How can we, as Americans, stand idly by and watch this inhumane treatment of our troops who are merely following orders?

Enough is enough. I, for one, will not stand quietly by while more families suffer in this way. When will this administration take a firm stand, get our POWs, and get out?

Well, since then we have had our one POW. All the rest, it turned out, were captured, or killed, or beaten to death, and the five missing turned out to all be killed in action, but we do have Durant back, and, DUNCAN, I would like to tell everybody who is visiting with us tonight or across the Nation that Larry King is at Fort Campbell. I am flying there tomorrow myself, but tonight he is going to have on, and he was released to home yesterday, CWO Michael Durant, who is truly a miracle man, who was stripped naked, beaten unconscious by the crowd. I do not think he ever quite lost consciousness, face caved in, back broken, pelvis broken, bruises all over his body, and I have got an exciting story to tell about him. Just let me finish Laura's letter:

"Is it worth the price we have already paid? How many more soldiers will have to die?"—Laura D. Pierson, Quincy, MA.

Now I am going to show Laura and Jodie tonight today's Washington Post. It says that our men are coming out of their fortified encampments, Hunter base named after the gentleman, I guess, sword base, and they are going to start patrolling the streets again. They are going to scrape clean the October 21 road where there was a big firefight between the clans last weekend, we're coming out of our armed fortified garrisons, DUNCAN, and we are going into the streets again.

The biggest gulp I got out of Admiral Howe, distinguished naval career, worked many years on the Joint Chiefs of Staff, important jobs at NSA and other top secret agencies; he is our U.N. commander over there, carefully picked by the Secretary General of the United Nations, Boutros Boutros-Ghali, to make sure we had an American taking the heat over there. He gulped when I said, "What are you going to do, Admiral Howe, when the very next American soldier, God forbid that happens, gets killed?"

An excellent two-star major general, Tom Montgomery, said the same thing. I had in front of that at that moment that full page that the gentleman has seen me show people from the Washington Times with the pictures of most people who were killed during all of the combat leading up to, but not including, the mortar deaths of Matt

Rearson, another great Special Forces guy from Fort Bragg.

By the way, let me put something to rest here on that tank story. The M-60 tank is not out of our inventory. I just got this 10 minutes before I started speaking from the Army. Although the Army currently has, and I am pleased with this figure, 4,520 M-1 Abrams tanks, we still have the M-60, A-3 model, tank. We still have 4,821. Two thousand thirty-four are in reserve units all over the United States for our Army reserves who do have over 1,200 M-1 tanks in the reserve, the lucky units. Most of our reserve units have over 2,000 M-60 tanks, and I say that because of this inability to shake loose the Italian M-60 tanks that they bought from the United States to crank into that rescue operation.

There is something else that I want the gentleman from California [Mr. HUNTER] to join me in—well, there are three things. I am glad the gentleman came to the floor.

No. 1, Mr. Speaker, I say to the gentleman, I want you to sit down with me in my office or yours and sign the certificates for about 100 flags that I'm going to have flown over this Capitol as the sign of appreciation for our wounded and to the families of the 26 men who have died in combat there. Well, we might as well make it all 30 that have died under hostile conditions.

Mr. HUNTER. Mr. Speaker, if the gentleman would yield, I would be proud to do that, and I think we should include our colleague, the gentleman from Texas [Mr. SAM JOHNSON].

Mr. DORNAN. And reassembling Tiger Flight—

Mr. HUNTER. And DUKE CUNNINGHAM.

Mr. DORNAN. Tiger Flight from last September and October, and the Commander in Chief remembers this well because he was not yet President, but, if the four of us would take the time to sit down, the four of us, Tiger Flight reassembled, that is, SAM JOHNSON of Texas' call sign from Korea when he was just a young rascal, and then he was a Thunderbird pilot, and then he went back as a commander to Vietnam, 7-years POW, 4 years in solitary confinement. Families will know he suffered, and his signature will mean something on those flags.

We will fly 100 of them. One of my staffers is going to come in and help do this on Thanksgiving Day. Remember my daughter Theresa, Terry's, idea to thank them, and I think this will solve the problem of inundating homes all across America with the letters of thousands, if not tens of thousands, of loving school children.

However, for the troops up at Walter Reed, cannot help the guys yet at Fort Campbell and the son of a Congressman who is an Army major, doctor. He was a Special Forces doctor there, Robbie Marsh. I am going to try and call him

tonight after this special order. I should have called him. He wanted to be informed so he could watch, but here is the guys over at Walter Reed, and, if the hometown rings a bell, write them. Here is the address at Walter Reed:

After I give their name, simply put Walter Reed; that is R-e-e-d, Army Medical Center, Washington, DC, 20307.

Now some of these fellows have gone home. Here are the ones that are still there:

If you are from Pennsylvania, write S. Sgt. John Burns. I got to meet his mom and dad up there on Saturday. He is from Glen Holden, PA, 25, 75th Rangers, gunshot wound to his left shoulder and leg. The President was so impressed with John's esprit de corps and his good humor that he mentioned him in a speech later and said, "If everyone has the spirit of Sgt. John Burns, this country is well served," and he is a spirited young ranger telling me that they are still the world's best light infantry, and his general, Potter, says the same thing. We know it is true.

□ 1900

Sgt. Paul Leonard. He was a crew chief for one of the hero warrant officer pilots there, Cliff Wolcott. He served him for 10 years and talked his way into a very special assignment with Special Forces.

Paul Leonard is from Franklin, MA. His birthday is the 4th of July, 1960. If you are a young student, or a mother that has a grade school or a high school student from Massachusetts, write to Paul Leonard at that Walter Reed address and thank him for serving the country. He has a badly broken leg from another AK-47 gunshot wound.

Then there is Pfc. Peter Neathery. He was already out of the hospital the second time I came around with his girlfriend. He is from Grandbury, TX. If you are from Texas, write to Peter. His arm is way up in the air. He was shot through the right shoulder. He is another 75th Ranger, 20 years of age.

By the way, Paul Leonard is 33. I said 1960. Write to him.

Scott Galentine was firing with his M-16 rifle, and a bullet went through the side of the gun, destroyed the barrel, and pretty much blew the palm off his hand. So his hand is grafted to his stomach. He is still in a lot of pain.

The commander in chief took a Polaroid picture with him. It is up on his wall.

Sgt. Scott Galentine, 22, Xenia, OH. One of his other mates from Xenia was also wounded slightly and is already back home. He is shot in that left hand, as I said. His friend was Spc. Richard Strauss, also from Xenia. He is home OK.

Then down in the Fort Bragg Hospital, I don't have the address there, just put Fort Bragg, NC, it will get to him, is M. Sgt. Brad Holling. I men-

tioned him last week. He was on the rescue chopper that we may have two Medal of Honor winners from. He is Special Forces, a very exclusive group of people with a special mission. Brad Holling was on the helicopter and saw Gary Gordon and Randy Schucker reach Durant. I hope Durant mentions him on the air tonight on the Larry King show. From what I understand, Durant is the warrant officer and the highest ranking officer on scene and will be putting these two guys in for the Medal of Honor. I will bet you Holling ends up with the Distinguished Service Cross or a Silver Star. He lost his leg. He is already home, already working to get a prosthetic device on. But you can reach him through the Fort Bragg Hospital.

Then, of course, the young Sgt. Christopher Reid, 10th Infantry, the first of the 14th Regiment. Just put 10th Mountain Division. And he is also at Walter Reed Hospital.

Then two gentlemen that I missed, and I am going to go back and see them. I heard that they were as close as any two people in the Army could be with a third man who had serious head injuries from fast roping from the helicopter. He is already home.

But the two Rodriguez men, one with a gunshot wound to the thigh and the knee, and another one in both legs. Spc. Adalberto Rodriguez. He is from Naranjito. I do not even know what State that is. It has to be Texas, New Mexico, California, or somewhere. You are writing to him at Walter Reed.

Then his buddy through all of his Ranger training, Adalberto is 20. His friend is also in the hospital. He lives out with his mom. He is from San Diego, your neck of the woods, DUNCAN, and he is 21 years of age.

I want to make sure I did not leave anybody out. Here is one that the President spent a good deal of time with, 1st Lt. James Lechner. That is the one that Senator D'AMATO met with and talked about on Larry King. He is 27. He has got another one of these vicious gunshot wounds to his right leg, which tore out a piece of bone. The wounds are open in the sense there are huge pins in his legs, as there are in Burns' legs and as there are in Leonard's legs.

And with all that pain and medication, these guys are in there just full of energy, talking about how proud they are to be Rangers or Special Forces, and looking forward to getting back on active duty, jumping out of airplanes, high altitude opening, low altitude, night work. And as they said to me over and over, we own the night. We own the night.

That was a daylight raid. It was important that we go in at daytime. We had the intelligence. They had all the pictures of these bad guys up in their quarters, the hangar.

One of them, Paul Leonard, was the guy that said, "Hey, that is Osmond.

That is Osmond Otto. We got him. Aren't you Osmond Otto?"

He would not talk. Finally he admitted, "Yes, yes, I am." And they would sit there and stick their chests out, hands—they gave me a new word for these plastic cuffs, fast cuffs or something. And I could go on and on about these guys. To tell you the truth, I just like hanging out with them. They are the salt of the Earth.

Mr. HUNTER. If the gentleman will yield for just a second, BOB, you mentioned the wounds that our people have and the fact that a lot of them are shot up pretty badly, but that they have medical procedures being undertaken.

I just wanted to reflect on the fact that we are very fortunate in the sense that we have tremendous medical capability in the U.S. Armed Forces, and we have the ability literally to heal up wounds that years ago could not be healed. And in terms of legs, it always meant amputations.

I was in a Civil War relic shop not too long ago in Middleburg, VA, and I saw some of the contraptions that they used in those days when you had so many people that had literally field surgery and amputations. And let me tell you, the peg legs that they issued, almost one size fits all. I mean, the Clinton health care plan would have loved these. They were very crude, and you could tell they were very painful and very difficult to work with.

Looking at the progress we have made since those days when we had very, very coarse field conditions, to today, when you can Medivac a Ranger or a Special Forces personnel or a line troop to an excellent surgeon in a very short period of time, and the way our military takes care of our people who are wounded in battle, we really have a great Medical Corps that we can be proud of in the U.S. armed services.

Let me just comment one time on something else that you mentioned. You mentioned the fact that our people are going to out working the streets now, at least that appears to be the case.

Mr. DORNAN. Sometime this week they go out again in harm's way.

Mr. HUNTER. I understand that. And I think that what the American people are concerned about is this: I think they are concerned that the President and his people do not perceive the difference between being peacekeepers, having our troops in position as peacekeepers, or being in a position of being a trip wire, if you will, where you put soft bodies between warring factions that are firing real bullets and you end up inevitably with casualties.

I think that distinction and the ability to know when you do not put your people in harm's way, when it is a losing proposition, is something that requires tremendous judgment on the part of the Secretary of Defense and your direct field commanders, and, of

course, the President of the United States, the Commander in Chief.

I think that is the part of this new MOS, military occupational specialty for our armed services, and that they are now going to take on this new dimension as peacekeepers, although we have had them do such things in the past, sometimes with disastrous consequences, like the position we held in Beirut that was tactically and strategically a terrible position to take, being down there on the beach where they were receiving military fire and ultimately having the suicide driver destroy a number of marines.

But this new dimension that our military is going to take on of being peacekeepers is perhaps not one that is well thought out, because it does not serve our military people well, nor the families that volunteer them. And all of our people are volunteers for the military.

It does not serve them well when we put them in positions where they are more in essence trip wires than peacekeepers. And unless we have a clear mission, a military mission, unless we decide that we somehow are going to segregate these clans in Somalia and totally put a barrier of Americans between the clans, which could be very costly in a military sense and in a human life sense, it might not be wise to resume patrols in Somalia. It might not be wise to put our people in a position where if a cease-fire is broken and automatic weapons and all of the other modern weaponry that exists in abundance in Somalia is used, then we are going to have more tragedies, we are going to have more American deaths, without necessarily accomplishing a valid foreign policy goal. I think that is a concern.

Mr. DORNAN. I think this is a good point in the RECORD to put an article by Barton Gellman from the Washington Post from last Sunday which actually gives the exact phrases of some of the words in these very controversial memos to the civilian forces in the United Nations.

□ 1910

I hope you will stay around so you could ask for 60 minutes in your own name so tonight I get a chance, since we are out for 4 days, to cover the whole Morton Halperin story. But here is the headline of Gellman's story on Sunday, Halloween, October 31, "The Words Behind a Deadly Decision, Secret Cables Reveal Maneuvering Over Request for Armor in Somalia." And I just do not have time tonight to put in all the great analysis in this article, but it pretty much comes out and in the end it says, "Other officers and senior civilians said it is hard to imagine that Aspin would have resisted if Powell had told him firmly that lives were at stake."

However, in General Montgomery's cable, mentioned here, he does not talk

about anything except lives in danger and breaking through barriers, road barriers on a rescue mission.

And the last paragraph says, "On October 6, when the first reports surfaced that Aspin had refused to send armor, Clinton picked up the phone and called Les to find out what the hell was going on."

That is a quote from a senior administration official, that the President "picked up the phone and called Les to find out what the hell was going on."

Mr. HUNTER. He called the Secretary of Defense because the President was upset because the field commander had asked for—

Mr. DORNAN. He did not know what was going on. At that point they were saying 12 dead, unknown small numbers missing. Then the 13 died in the hospital at Landstuhl, and then pretty soon we find out there are 5 missing, all of Durant's crew and the two Medal of Honor quality Rangers who went after him, Special Forces, they did and it went up to 18. Then 3 nights later the former Secretary of the Army, a former Member of this Congress from Virginia, whose son I talked about on the floor receiving heavy shrapnel from a mortar wound right at their headquarters, exposed there, it turns out he was the Special Forces doctor, a major. And he is home recovering. He was touch and go for a while. He is already recovering well. Those Special Forces guys are tough.

Here is the last paragraph, though, "Two days later Clinton said Aspin told him there had been 'no consensus among the Joint Chiefs' to send the armor."

I saw that on CNN myself.

Investigative reporter Barton Gellman says, "In fact, neither Aspin nor Powell consulted the Chiefs. Administration officials speculated that Clinton misunderstood Aspin's reference to the mixed signals he thought he was getting from Hoar. Reluctant to contradict the President, they never corrected him."

Mr. HUNTER. I think what bothers a lot of us is this, why does the administration and why did the President and why did the Secretary Aspin torture themselves over a simple requirement for a field commander for the equipment he needed to carry out his job safely and expeditiously? Asking for a tank, if you are an infantry commander, is not necessarily the biggest demand in the world. He did not ask for a battalion of tanks. He asked for a couple of them.

Mr. DORNAN. Nobody in the media would have ever noticed.

Mr. HUNTER. The idea that this produced a great deal of consternation between the Commander in Chief and the Secretary of Defense is, I think, evidence of their naivete and their lack of experience and their lack of having quality people around them. I hate to

say this, but I think if a General Scowcroft or Dick Cheney had had a request from a field commander for a piece of military equipment, not talking about a nuclear weapon, talking about a tank, they have been around for about 100 years, they would have sent it to him.

Mr. DORNAN. This is a great way to trap you here, because I have a "Dear Colleague" letter going out. The gentleman from California [Mr. DOOLITTLE], my colleague from northern California, and myself, I would like to add you, asking a bill, saying that U.S. forces in combat cannot be placed under any foreign commanders, because we are not always going to get excellent trained NATO style commanders. Our units are integrated wholly as one unit, when that was to take place under the NATO command to hold off the Soviet Union and East bloc Communist forces, that no American commands can ever be put under foreign commanders without the specific permission of the U.S. Congress whose obligation it is to recruit, to pay, to feed, to fund and to raise these armies and navies and, by evolution, the Marine Corps.

The Marine Corp's 218th birthday is this week. We cut that cake in the big conference room in the Cannon Building. Commandant Mundy said, "As much as any service here, you own us in the Congress. You created us by an act of Congress, Continental Congress, May 10, 1775, a year before the Declaration of Independence, almost a year, and you fund us. We are under your orders, and we protect you from the Marine Barracks against the Brits coming over here and burning this place down, as they did in 1814."

And he said, "So we serve at your pleasure."

Of course, what his words meant was that every man or woman in uniform serves under the direct control of the U.S. Congress, the Senate and the House, but that it needs a Commander in Chief. And constitutionally, that sacred and honored power has gone to whoever sits in the Oval Office. So if you will join me on that bill, is that an affirmative?

Mr. HUNTER. I would be happy to join the gentleman.

Mr. DORNAN. Will you join me on a Dear Colleague that is going out tomorrow? I do not want to go through it again here tonight, in the interest of cramming as much as I can into my hour and whatever piece of an hour we use for your hour, but we simply have to have hearings under the gentleman from Virginia [Mr. SISISKY], a good Democrat from the Navy, U.S.A., down there in Newport News and all of that great shipbuilding area. NORMAN SISISKY is the head, and I serve on it, of the Oversight Committee on Investigations, subcommittee of the Committee on Armed Services. He should have

hearings over this whole mess, particularly the armor aspect and the U.S. armor that was available and not sent to rescue our guys under the most ferocious enemy automatic weapons fire since World War II. Maybe no concentrated fire like this in the whole bloody decade of your war in Vietnam.

Also, why do we not have major committee hearings under the gentleman from California [Mr. DELLUMS]? He was honored as a private first class in the Marine Corps in his youth today, one of the 19 ex-marines, and some of them current marines, in the Reserves, serving in this Chamber. What about the Senate doing the same, having investigatory hearings over there to get to the truth of this?

That Dear Colleague letter goes out tomorrow. I have got one staffer on the bridge over in the Rayburn. Can he affix the distinguished name of DUNCAN HUNTER?

Mr. HUNTER. I will be happy to cosign that.

Mr. DORNAN. You have to come over here. I get to nail you down in front of 1,300,000 people.

Two pieces of business to clarify.

Mr. HUNTER. The gentleman spent 40 hours in the air going back and forth to Somalia, and he has earned the partnership and cooperation of every member of the Committee on Armed Services, with his work.

Mr. DORNAN. Here is something else you will never forget. Adalberto Rodriguez, Naranjito, I tried to claim it for the Southwestern United States. No, it is the Territory of Puerto Rico, soon to be our 51st State, I hope.

And you know we have our own combat-trained top police officer in our Cloakroom, the mother hen who shepherds all of our brilliant young pages, ex great D.C. and Capitol Hill cop, Peggy Samson came down here with a note. Those handcuffs are called flex cuffs. So we do not know everything here, but Peggy comes down, our own Special Forces officer that helps run that Cloakroom for us.

Now, here is the point, I think with two wonderful American ladies who have lost someone they love desperately, to get a good look at these slides, which I will show them after the special order is over and ask to put in the CONGRESSIONAL RECORD an article from a couple of days ago, November 1, in the Washington Times, Joyce Price and some of the people called me about the two from the September 25 crash whose remains were never returned. And it has a little box here on Somalia, just these two, their remains have not returned. From the Persian Gulf, there are no missing. There is no missing from Somalia either, because we know what happened to these remains in the 5,000-degree-Fahrenheit aluminum and magnesium fire in the back of that Black Hawk H-60.

□ 1920

From Vietnam, we still have 2,248 missing. There were some cases. I have to correct myself, because I did not, I was not thinking of lost at sea.

There was a fine young Irish American lieutenant that was lost on the way back to the Kennedy. His remains were never recovered. Some of the bodies from an AC-130 gunship that was shot down in the daylight hours of the first day of the land war, some of those bodies were not recovered.

Of course, there are always naval accidents at sea with our fine young fighter pilots and navigator bombardiers, some of our attack pilots and supporting AWACS cruisers, helicopter pilots who are lost at sea, and no remains go home.

However, I meant in the land war, on the ground, in the whole Desert Storm war, out of 148 killed, except for those sea accidents, all remains were returned home.

To show how tough past wars were, Korea, 8,177 missing, many of them still buried in unidentified graves that we could still identify the remains if they were given to us in the areas that North Korea overran before our first stalemate war in the history of our Nation.

World War II, and this figure always just absolutely tears me up, in World War II, missing, not just no remains home, missing, 78,750. Most of those were also lost at sea in some of those great naval engagements.

Mr. Speaker, I include an article from November 1, 1993, which lists the number of those missing in action:

[From the Washington Times, November 1, 1993]

TWO WHO NEVER RETURNED: REMAINS UNAVAILABLE FROM CRASH IN SOMALIA

(By Joyce Price)

Eugene Williams grew up in a tough neighborhood on Chicago's West Side but steered clear of the gang life and violence that snared childhood chums.

"He had an opportunity to see what the negative side of life was, and he chose the positive," said the Rev. Thomas Jackson Jr., pastor of Chicago's New Original Church of God in Christ, which the young man attended.

"His one goal was to be a soldier," Mr. Jackson recalled. "All his life, that was what he wanted to be. He was always enamored of a uniform."

Army Sgt. Eugene Williams was living out his goal as a soldier in Somalia when on Sept. 25 the Black Hawk helicopter in which he was flying was struck by a rocket-propelled grenade in Mogadishu during a search for forces of warlord Mohamed Farrah Aidid. Sgt. Williams, 26, and two others, Army Pfc. Matthew K. Anderson, 21, and Sgt. Ferdinand Richardson, 27, were killed.

There were memorial services—but no graveside services—for Sgt. Williams and Pfc. Anderson, of Lucas, Iowa. Their families are the only ones who've not received remains of loved ones killed in military action in Somalia.

Maj. Ed Gribbins, spokesman at Fort Campbell, Ky., where Sgt. Williams and Pfc.

Anderson were based, said the pilot of the helicopter landed on a street during the attack. After determining that his co-pilot was the only other crewman to survive the fire and explosion, the pilot helped his co-pilot escape, Maj. Gribbins said.

The remains of Sgt. Richardson of the 25th Aviation Regiment at Fort Drum, N.Y., have been returned. But those of Sgt. Williams and Pfc. Anderson, both of the 9th Battalion 101st Aviation Regiment at Fort Campbell, have not.

"We were given a couple of explanations about his remains, one of which bothered his family," Mr. Jackson said from Chicago.

"We were at first told they had the remains [of all three victims of the Sept. 25 helicopter crash] and were trying to identify them. But as we drew closer to the planning time for the [funeral] service, they [Army officials] responded again and said they didn't have his remains because they had not been recovered from the helicopter."

Mr. Jackson said he talked with one of Sgt. Williams' commanders and was told that U.N. troops trying to get close to the burning helicopter in the aftermath of the crash had come under heavy fire.

Because of the firepower, "a rescue team that was sent in was driven off" after pulling only one of three bodies from the wreckage, the pastor said.

"The helicopter burned for three hours," he said, adding that it's not clear to him whether the bodies were destroyed by the conflagration or were too badly burned to permit identification.

"But the family says that if and when they get any remains, they would be interested in getting them back, whatever they are. His mother [Georgia Williams] is particularly hurt that all this is still up in the air. And she has told me specifically that's what she wants."

Pfc. Anderson's father, Keith, said he and his wife, Joyce, were told the helicopter was "fully loaded with fuel," was carrying highly flammable chemicals, including magnesium and titanium, and was "completely incinerated" by the blast and fire.

"I believe them," he said in a telephone interview.

Asked if he believes any of his son's remains will ever be returned to the family, Mr. Anderson replied, "Probably not, the way the situation is."

But he acknowledged that his family is "sometimes" haunted by the idea that it may never receive Matthew's remains for burial.

Lt. Col. Mark Martens of the U.S. Central Command in Tampa, Fla., said of the families' concerns, "We believe we have recovered everything left after that catastrophic explosion."

But he said the remains recovered have not been identified. Col. Martens was unable to characterize the nature of the remains recovered. But he said they were turned over to the Army once they left Somalia.

Pfc. Anderson graduated from Chariton High School in Lucas in 1990. His father said Matthew wanted to be a writer. "He did a lot of comedy stuff and cartoons, but I think he wanted to get into adventure-type, outdoorsy writing," Mr. Anderson said.

Mr. Anderson said his son enjoyed spelunking and mountain climbing. He recalled that his son had climbed the mountains in the Hueco Tanks Historical Park in El Paso, Texas, during a spring break at Iowa State University, where he enrolled after finishing high school.

But Matthew dropped out of college two weeks before completing his sophomore year and joined the Army.

"I don't know why he did that," his father said. "Perhaps he could adapt to the freedom of college to think he felt he needed something more regimented."

Pfc. Anderson joined the 10th Aviation Regiment in October 1992.

"We went down to visit him at Fort Campbell in early August before he left for Somalia," Mr. Anderson said. "His mother asked him about getting out because of the danger. But he said no... he wanted to stay in."

As a boy, Sgt. Williams belonged to an Explorer Scout troop run by a local police precinct. He graduated from Crane High School in Chicago where he was on the football team and played saxophone in the high school band.

"He was taught Christian ethics all through life, and, basically, he was a very quiet person and very sincere about his goal," Mr. Jackson said.

Eugene Williams joined the Army in 1985 as a helicopter mechanic crewman.

He did a tour in Germany [where he met his wife, Deanne] and South Korea and also Desert Storm," Jackson said.

Johnnie Williams, the sergeant's father, told the Chicago Sun-Times he lost sleep during his son's seven month tour of duty in the Persian Gulf war: "He flew with helicopters all the time... It bothered me all the time," he said, adding:

But his son made it home safe. In September 1992, he was assigned to the 101st Aviation Regiment according to Lee Elder, another Campbell spokesman.

Sgt. Williams could have left the Army at the end of last year but enlisted instead, Mr. Jackson said.

"He came to me to talk about it and told me he wanted to re-enlist. We talked about the dangers of skirmishes and that he might not come out alive. But he said that's a risk every soldier takes."

Mr. DORNAN. I want to put in another article, Mr. Speaker.

Mr. HUNTER. If the gentleman will yield, that is what has been called by one of our great military analysts and leaders "the fog of war," and I think it is something that Americans do not realize, is that many people are unaccounted for in these great massive combats that have happened regularly in our country's history.

Mr. DORNAN. Let me put a few more articles in. Then we will get to these big color blowups of my Nikon pictures over Mogadishu that I rushed through last Thursday.

Mr. HUNTER. If the gentleman will yield, are these the pictures the gentleman took personally?

Mr. DORNAN. They are.

In today's paper, the "House Panel Rejects Early Somalia Withdrawal, Clinton Promised March 31 Deadline Is Left Standing After Failed GOP Effort."

That was in the Committee on Foreign Affairs, but it only failed by one vote, 22 to 21, and we heard the majority whip, the gentleman from Michigan [Mr. BONIOR], say tonight that on Monday there will be a fulsome debate on Somalia: the January 31 date, the March 31 date.

That is why it is important that this "Dear Colleague," now yours and mine and that of the gentleman from Cali-

fornia [Mr. DOOLITTLE], goes around and gets our colleagues to ask our leadership here to have hearings on this whole Somalia situation.

Mr. Speaker, I include for the RECORD this article from the Washington Post from today, November 4, 1993:

HOUSE PANEL REJECTS EARLY SOMALIA WITHDRAWAL

(By Daniel Williams)

A House panel narrowly rejected a Republican-led bid yesterday to force an early withdrawal of U.S. troops from Somalia. Opponents argued that such a move would embarrass President Clinton.

Rep. Benjamin A. Gilman (N.Y.), ranking Republican on the House Foreign Relations Committee, had called for withdrawal by Jan. 31 rather than the March 31 deadline set by Clinton last month. Committee Chairman Lee H. Hamilton (D-Ind.) countered with an amendment supporting Clinton's date.

Hamilton's blocking action won by a 22 to 21 vote after House Speaker Thomas S. Foley (D-Wash.) made phone calls to wavering Democrats.

The vote complemented action last month by the Senate, which concurred with Clinton's deadline.

Administration officials testifying before yesterday's vote emphasized logistical reasons for staying in Somalia.

One said an early pullout would be "extremely difficult." Others said it would hamper efforts to recruit international replacements under the United Nations banner.

"It would be extremely difficult to withdraw in total by January 31," said Pentagon representative Tom Longstreth.

State Department delegate Wendy Sherman said early withdrawal would "absolutely" harm the chances of getting other countries to send troops.

Clinton's handling of the conflicts in Somalia, Bosnia-Herzegovina and Haiti have reawakened congressional urgings for a direct hand in foreign affairs. Democrats have rallied around Clinton to protect his authority if not his policies. Gilman invoked the 1973 War Powers Act, once anathema to most Republicans, to get a vote in the committee.

The exchanges yesterday were sometimes heated and sarcastic. Hamilton accused the republicans of trying to damage "the credibility of the president in conducting foreign policy."

Gilman asserted that the only reason for prolonging the American stay in Mogadishu was to obscure failure. I am prepared to state with total conviction that it is not worth one American life to help the authors of a failed policy save face, he said.

About 7,400 U.S. troops are on shore in Somalia, with another 13,600 offshore. Congressional nervousness has increased since early October, when 18 Americans died in a fire-fight with Somalia militiamen.

Clinton sent special envoy Robert Oakley to Somalia to encourage militia leaders to begin peace talks, in hopes that the American exit will not spark renewed civil war. Oakley visited with representatives of 15 clan militias this week and tried to talk them into disarming.

Mr. Speaker, here is an article from yesterday, November 3:

"Pakistani senior officer brigadier General Ikram ul-Hasan, after 6 months of commanding the U.N. unit that suffered the first and heaviest casualties," we have lost 30, but they lost 24 in one engagement, and then three

killed later, both of them in ambushes. The first ambush, I flew right over the intersection, was on Highway October 21 at a food distribution center. Their arms were, you know, on the ground, at order arms, just standing there watching the food distribution, and they were slaughtered from ambush.

I just found out the other day, and that is where my older daughter, Robin, always gets uptight with me, the bodies were disemboweled, beheaded, arms and legs cut off. It was something that got the whole U.N. command fired up. Women and children were used as shields in the fight. Thatslaughter of the Pakistanis is what got us into this chase.

By the way, and this is something I feel like calling long distance to Jonathan Howe, do you know what Jonathan Howe offered for the head of Aided, alive? \$25,000. Do you know what our Governor in California offered for the arsonist that caused at least the loss of one person, they don't think the man will survive, who lived across the street from where the two arsonists started the fire, and he has been in serious pain from burns? He offered \$125,000, five times what Admiral Howe, in the name of the United Nations, has offered for the killer of 30 Americans, 5 times.

What gets me is, and I was reflecting on the 10th anniversary of Beirut, we offered \$500,000, and they have never been brought to justice, for the direct killers who sent that smiling killer in the van to murder 220 marines, 17 sailors, and 4 Army soldiers on October 23, 10 years ago.

I do not know why that was not a \$5 million reward, and I do not know why it is not \$5 million or \$1 million for Aided's capture.

Mr. HUNTER. If the gentleman will yield, I have sent a letter to the United Nations asking that the reward be increased to \$1 million. I would ask, in a little reciprocity, if the gentleman would sign on with that.

Mr. DORNAN. Done.

Anyway, the Pakistani brigadier general says, "We missed several chances," and I do not know whether he is correct or not, and he laments the looming of the United States pullout. He is probably agreeing with what Admiral Howe told me, it will cause a stampede out of there.

This helicopter is important. I did not realize until I was selecting it tonight. This is the helicopter that landed, at great risk to the crew and to the existence of the helicopter, this Black Hawk landed within a few feet of the destruction of our Humvee with four MP's in it: Keith Pierson, 25 years of age, Tavares, FL, 977th MP Company at Fort Riley. He was the only one who was alive.

The door gunner, who I will show you his hand here in a second, actually

pointing at the spot where Keith was injured, he died 2 hours later in the hospital, probably. For all I know, Dr. Rob Marsh was taking care of him.

The other three who were killed on the site were Sgt. Christopher K. Hilgert, 27, Bloomington, IN, also an MP from Fort Riley.

There was Sp1c Mark E. Gutting, 25, Grand Rapids, MI, another MP from Fort Riley.

Then there was an MP from Fort Leonard Wood, MO, who was riding with them, Sgt. Ronald N. Richerson, 24, from Portage, IN.

They were all killed in the line of duty when that command-detonated, auto-detonated mine went off. This helicopter was the first air on the scene, landing within a few feet at this intersection that I will show you in a moment.

There again is that big Russian Mi-26 helicopter. It sits there. Everybody at the airport looks at it. It is the world's biggest helicopter, but I do not know that it has ever been used in any way to support our guys. That would have made a hell of a scene, coming down, landing on one of the rooftops to support our guys in that firefight.

There is my picture, Mr. Speaker, of what I know find out is 14 T-72 Indian tanks that were not available through a 15-hour firefight to help rescue, at least, say, the last 9 of the 18 Rangers that were killed.

Here is what I am going to discuss on this floor on Monday. This is Old Port. Look at this one quay, an old sunk freighter that has been there for years, and four tiny docks we could not even use.

REPORT ON SOMALIA

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. We will be discussing this Monday. I may bring back one or two of these pictures on Monday. There are at least 14 ports up and down the coast as big as this Old Port, or even as big as New Port. I don't show the whole enlarged, more modernized quay here in this picture. I had taken this because that is where the third helicopter crashed with M.Sgt. Brad Holding on board.

Here is another picture of New Port. That is not a very big port. It takes tiny little freighters. Why are we in the Mogadishu port when Aided's clan is so bloodthirsty and rules the city, when we could be down at Kismayu, which is nearer to where the majority of the 350,000 people starve?

Why are we holed up in fortified garisons and are going to put our men

back out onto those scorpion-ridden angry streets where, when they kill you, they tear your body apart?

□ 1930

I say let us look for another facility if we decide to stay through March 31. This is why maybe January 31 is a rough date.

Look at the tons of equipment we have there, but we could not put four tanks in there, or work it out with all of our allied nations to use their tanks to support our guys in any type of a rescue mission.

Here is the Olympic Hotel. That is as close as I could get. As I said last Thursday, God has kind of helped me with this dark cloud coverage, and the break in the clouds pinpointing and lighting up this whole area.

By the way, former retired Ambassador Oakley had the guts to go to the Conoco House last week right in the middle of this war, and it is named after Conoco Oil, and he moved right into Aided's area to talk to his remaining lieutenant we captured thanks to the guys up at Walter Reed, about 25 of his lieutenants, but whoever it is is the No. 2 right now. Oakley had the courage to meet him. I am really impressed with Bob Oakley, as I was during the hostage crisis when I got to meet him 7 years ago.

That is a closeup on the Olympic Hotel, the large one across the street, and in this area over here and up here two U.S. Black Hawk broken helicopters have become schoolyard equipment for the people who murdered Durant's three crew members, and the two Rangers that went to rescue him.

There is the university that has now been turned into one big U.N. military compound. What dreams have been destroyed in Somalia. That is where young Somalis got their degrees to engage in world traffic and trade, free traffic and free trade.

Here is that downtown shot of where the Catholic church is nothing but gutted ruins, looks like something you would see in England that Henry VIII destroyed.

Here again is that Black Hawk helicopter that was the first on the ground. And I will close on this and yield for important words from my distinguished colleague from Arizona.

Here is the helicopter crash site, snipers from every roof. Right here is where Chris Reid lost his arm and leg, and down this alleyway here is where the two crewmen who are now in the burn center at Brooks Army Medical Center in Texas, here is where they held out with only one of them being able to fire his Beretta 9 millimeter pistol until he heard in the night, "American boys, American boys," and they were rescued.

And here is the remains of Keith Pierson's humvee from another shot. And I will close on this: this is the

hand of the young door gunner, I never got his name, pointing to the humvee, showing where, he is telling me where he landed in the intersection in front of these five old rusted and gutted-out trucks. He landed there, and he and the other door gunner ran over to the helicopters and pulled the badly injured Keith Pierson out. And that hulk still sits in the center of that street as a sort of an evil memorial to the gunmen of Aided and to the courage and sacrifice of those four MP's who started this round of tragic death of 26 Americans to add to the 4 that died before that in this mixed-up foreign policy we call Somalia.

There is the gunships that they should have had. I will set this aside and turn the special order back to you, DUNCAN, so the gentleman from Arizona can have his hour.

Mr. HUNTER. I just want to thank the gentleman once again on behalf of the other members of the Armed Services Committee for spending so much time on this issue and putting so much of his personal energy, which is tremendous, into this very, very important project. And I want to thank him. I know that the members of the committee and of the House of Representatives and the American people know more about what happened in Somalia because of what the gentleman has done, and we want to thank him very much.

Mr. Speaker, I yield back the balance of my time.

NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 1 hour.

Mr. KOLBE. Mr. Speaker, I take this time this evening to talk about a subject which I have been on the floor on many different occasions during debates that we have had, during the course of 1-minute presentations in the morning, during the course of other special orders. In fact, I have participated with both of my colleagues that are here on the floor this evening in some of these special orders. That subject, of course, is the North American Free-Trade Agreement.

We are going to cast a vote in less than 2 weeks time which I believe is truly one of the most historic and significant votes that we will cast certainly in this Congress, perhaps in the entire tenure of most of us in the Congress of the United States, I believe even in the decade of the 1990's.

Why do I say that? Why do I believe that this vote has such historic significance? Why do I believe that the people of the United States need to take the time during the course of these next 13 days to listen to the debate, to listen

to the arguments that are being made and to understand what this is about?

In its very simplistic terms, NAFTA, the North American Free-Trade Agreement, is tax reduction. It is a reduction by Mexico of taxes on United States products which come into the United States. You cannot say it any more simply than that. It is a tax reduction.

Common sense will tell you that when you reduce the tax, that is the tariff on the products that come into the United States, we will gain from that by being able to sell more of our products to the country that is receiving those products. So yes, our tariff is reduced on the products coming in, but the tariff on the products that we sell to Mexico is reduced even more.

The fact of the matter is that we have a disparity in the tariff rates between Mexico and the United States. In fact, the United States is one of the most open traders in the world and has a tariff rate of about 4 percent on average. And Mexico, while it has made tremendous reductions in bringing down its tariffs, still continues to have a tariff rate of 10 percent on average. So you do not have to be a math genius to figure out that if both sides in this equation bring their tariffs down to zero that we have just gained a 2½ times greater advantage in penetrating the market in Mexico and selling our goods in Mexico than they have in selling their goods here in the United States. And that is exactly what NAFTA is all about.

You only have to look at the historic precedent. You do not even have to look at other countries. You can just look at what has happened with Mexico since it has joined the General Agreement on Tariffs and Trade, that is the GATT in 1986 and brought its top tariff rate down from as high as 120 percent to a top rate of 20 percent, and its average down from over 50 percent before 1986 down to an average, as I said a moment ago, of 10 percent.

In the last 5 years, from 1987 through 1992, our trade with Mexico, the sales that is, the exports to Mexico have gone from \$13 billion to over \$41 billion. We have more than tripled the amount of goods that we sell to Mexico. And similarly, when you put the aggregate there against what we have sold and what we have bought, in 1987 we had a deficit with Mexico, a deficit in our trade of almost \$6 billion. That is, we bought from Mexico almost \$6 billion more than we sold to Mexico. Today, this last year, we sold \$5.6 billion more than we bought from Mexico.

Yes, Mexican goods, their sales to the United States have increased. But our sales to Mexico have increased even faster, because they have brought their tariff rates down dramatically, and it has opened up markets.

Think of the possibilities to us as we open our markets further, as we make greater reductions in the tariff rates,

as we make it possible for United States manufacturers, United States service providers, insurers, doctors, lawyers, all kinds of people to do business in Mexico, think of the opportunities that will be open to them that have not been open in the past, and the amount of additional sales that we can make from that.

□ 1940

I think that we can look at some very clear evidence of how this is working in practice. Let me just share with those of my colleagues and those who are listening a few anecdotes, stores, illustrations about how trade really works in practice.

Not long ago I visited a Safeway store in a community on the border of Mexico and Arizona. It is a small community, the town of Douglas, about 10,000 people. And yet it has the largest Safeway store in the State of Arizona. The largest Safeway store is not in Phoenix, a metropolitan area of 1.8 million people; the largest Safeway store is in this town of 10,000 people. Why? Because it is doing 80 percent of its business with the Mexicans who come across the line from Agua Frieta, a community of over 100,000, where there are virtually no supermarkets.

They come across in order to buy the products in the Safeway store.

I went to the back of that store, to the meat department, which, as I think most people listening would have to agree, is at the high end of any supermarket or retail grocery business. When I say the high end, that is really the expensive part of the grocery store where you spend a lot of your big dollars. In most Safeways, in the average Safeway store, 14 percent of the dollar volume is from the meat department. In this Safeway it is 24 percent, 24 percent of the dollar volume is from the meat department.

Now, Safeway is a unionized store. Its butchers back there are all union employees. I saw nine of them back there. They were sawing, they were chopping, they were cutting, they were grinding, they were wrapping, they were packing and shoving that meat into the coolers, and as fast as they could get it out there it was being picked up as fast as it was being pushed out there by Mexicans who come across the line from Mexico to buy that product.

Why? Because it was cheaper and it was better quality.

So I say to those Americans, and there are some, I am sorry to say, some of them in this body who have stood on this floor day after day to argue that we cannot compete with Mexico, we cannot compete with lower wages in Mexico. Well, I am here to say, "Don't have such a lack of confidence in the American people; have more confidence in our workers. Have more confidence in the industries, the businesses of the

United States, to believe that we can compete," because we are competing.

Another story I would share with my colleagues: Just a few days ago I had the privilege of taking a group of Members of Congress down to Mexico City in order to see some of the dramatic changes that have taken place there, to meet with Government leaders. We had an opportunity to go to the first Wal-Mart store to be opened in Mexico City. It also happens to be the largest Wal-Mart store in the world. It is 225,000 square feet, I think it is, under one roof. Now, that is, what, 5½ acres under one roof?

They are doing, in the first week of business there, they did over \$2 million and expect to exceed \$100 million in the first year that they are in business.

But it is not just the fact that it is a Wal-Mart store. The story behind this is that 62 percent of the goods that are being sold in that store are being made in the United States; not just products that bear a name familiar to you and I, like Kellogg's which has its own factory in Mexico. But I am talking about goods made here in the United States and shipped to Mexico, 62 percent in one store.

Now, translate that, multiply 62 percent times the \$100 million that I am talking about during the course of a year in one store in Mexico City and think of how many jobs here in the United States are going to depend on creating those products that are being sold down there in just that one store. And we did not even go next door to Sam's Club. And there is a Price Club now, and there is one in Guadalajara and a Price Club in Monterey. I will come to some of the other retail business that is going on down there in Mexico.

I went up and down the aisles of that Wal-Mart, and I looked. In Mexico you have to have a tag on it if it is made outside of Mexico. I looked at the products. There were Fisher Price toys there, there were auto parts from Indiana in another location, there were shirts and apparel made in the United States, the New Balance products made in Massachusetts. There are all kinds of consumer food products, canned food products, packaged food products, Tony's Frozen Pizza. Orange juice, now orange juice from Florida; one of the issues we have been hearing about is how devastated the Florida orange industry and the citrus industry is going to be if we pass NAFTA. Here was an entire cooler shelf filled with juice from Florida. All these products were being bought by Mexicans.

Of course, we are told over and over again by those who would oppose NAFTA and who do oppose NAFTA that Mexicans cannot buy U.S. products, they are too poor to buy U.S. products, to which I would say, "What are all these products doing in that store?" And I would ask, "What is all

that \$43 billion of goods that are being sold in Mexico if Mexicans cannot buy U.S. products?"

The truth is they can and they do.

Of course, they have an income significantly lower than we have in the United States. And yet despite the fact that they have an income that is much lower, a seventh or even less than the per capita income of a Japanese citizen or of a citizen of Germany or the other European Community countries; despite that, they buy more products from the United States than either Japan or Germany does on a per capita basis. Yes, that is true.

The average Mexican each year buys \$430 of products from the United States. The average Japanese buys \$385. The average European Community country, France, Germany, buys about \$310.

So they buy even though they have an income only a fraction of those other countries, they actually buy more goods from the United States. And we are just talking about capital goods.

I want to address that for just a second. One of the other arguments frequently made here on the floor, "Uh-huh, well, the only thing they are selling to Mexico, the only thing that the United States could sell to Mexico is capital goods," as though somehow capital goods were bad, as though somehow capital goods were something that we ought not to be selling.

I ask you: Tell the worker in Decatur, IL, in the Caterpillar factory that he should not be making capital goods that are being sold in Mexico, that his job is bad; tell the worker in Erie, PA, the General Electric plant that is making \$600 million of diesel engines for shipment to Mexico; tell them that these capital goods are not good and their job somehow is not a good job for the United States to have.

Of course that is not true. Capital goods are goods in hard manufacturing at very high wages.

So I dismiss the argument that somehow—and I think the American people should dismiss the argument that somehow selling capital goods to Mexico does not count.

□ 1950

But even if you want to accept that argument, even if you want to believe it, it still is not true, because Mexico actually buys a smaller percentage of capital goods than does Japan.

In other words, we are selling more consumer goods to Mexico, which is what the other side seems to think is the only thing that really should be counted. So we are selling a lot of consumer goods, and as that \$430 figure that I mentioned as a per capital purchase from the United States should suggest, the United States has an opportunity with NAFTA, with taking that tariff barrier down to zero, we have an opportunity to do a lot more.

Now, what is happening in Mexico today is nothing short of a retail boom that is occurring down there.

The Mexico retail market has traditionally been an extraordinarily closed system, one that has not been open to competition, one in which foreign investment has not been permitted and in which foreign products are either prohibited or so expensive that for all practical purposes they are prohibited from entering the Mexican market.

This administration, or actually beginning in the previous administration of President de la Madrid began to change that. That has accelerated under the administration of President Carlos Salinas de Gortari, accelerated in a very dramatic way. The result is that Mexicans now have opportunities to buy more foreign goods than they have before at prices that are within their reach, and as their economy grows and their per capita income grows they will have more disposable dollars to spend on those products.

The Mexican economy spends 70 cents of every dollar that it does spend outside of Mexico is spent in the United States. It is spent on U.S. goods and services. That is extraordinary. Only Canada, only one country in the world buys a greater proportion of its imports from the United States.

So Mexico has a tremendous proclivity and a tremendous desire to buy United States-made products. That will continue during the course of the next several years. We will see that accelerate as those tariffs come down.

This summer I was in Mexico for 3 weeks in order to live in the country, to understand the people better, to get a better understanding and a better grasp of my Spanish, which still is not terribly good, I might add; but during that time in the course of living with this family, one morning at breakfast the lady of the house pointed to her grandchild who was sitting across the breakfast room table. He was eating animal crackers.

She said, "Commercio libro es muy bueno," free trade is very good.

She went on to say that now today she could buy those animal crackers that before were not on the shelf or were so expensive that the store would not bother to put them on the shelf because nobody could buy them, because the tariff was so high.

So she went on to say, "I now have more choices in food products than I ever had before. My children, my grandchildren, have more choices. That means I am better off. If I only have to spend half as much money on the food as I did before, I am wealthier, even though my pension"—she was a widow—"has not increased."

I cannot think of a way to describe more succinctly, more honestly and more correctly, what free trade is all about.

We can increase our wealth in one of two ways. We can increase our wealth

by getting more income, and we do that through greater productivity which allows us to get a greater wage for the work that we are doing, or we can do it by having prices fall. It is the same thing. If prices fall, we have more disposable income to spend on other goods and services. That is the reality of free trade.

Consumers benefit by having more choices, by having cheaper prices.

In Mexico City today you only have to drive around the city to see how great the surge of retailing and franchising that has come about as a result of Mexico's reduction of its tariffs. There is an absolutely explosive growth. There has been a quintupling in 3 years, a quintupling of franchises in the last 3 years. There are more than 200 franchises, more than half of them U.S.-based franchises that run everything in the gamut from fast food through the service sector to clothing, to computers.

Example: Arby's. Their sale at their Mexico City unit topped \$2½ million in 1991.

There is Church's Fried Chicken.

There is Domino's Pizza.

There is Fuddruggers.

The Hard Rock Cafe just opened 3 weeks ago in Mexico City.

There is TGI Friday's, and yes, believe it or not, there is Taco Bell, one of the most popular of the fast food places in Mexico today.

There is Burger Boy, El Payo Loco. El Payo Loco is a Mexican group that is also in the United States today. It goes both ways.

There is McDonald's. McDonald's plans to have 350 units in Mexico by the end of this decade.

Then the franchising extends to services as well. In real estate, there is ERA, Century 21 real estate.

There is Embassy Suites.

There is Blockbuster Video. I saw those all over the place down there.

There is Video Central.

There is Holiday Inn. Thrifty Car Rental, and shoes and clothing. There is Florsheim Shoes. There is Athlete's Foot.

There are computers. There is Computerland, and Dell Computers.

In the past, United States companies that wanted to participate down there had to build a plant in Mexico. That was the only way they could do business down there because either the quotas or the tariffs made it impossible for them to bring their products down into Mexico. So you had to build a plant down there.

Today we see many very well-established companies doing business in Mexico. Kimberly Clark, Procter & Gamble, Kellogg's that I mentioned before, Black & Decker, IBM, General Motors, Ford, Chrysler, all the big three automakers.

They did it because that was the only way they could get in to the marketplace down there.

With NAFTA, that is no longer a requirement. With NAFTA, you will be able to produce a product here in the United States and take it to Mexico, not forced to go to Mexico in order to produce that.

That is why the opposition of the auto unions is the most astonishing opposition of all, a knee-jerk reaction that is based not on any kind of logical common sense, because let me tell you how the auto pact as it is called in Mexico has worked all these years and now that is going to change under NAFTA.

You want to see a car in Mexico? Well, first of all, you have to produce it in Mexico. You have to produce it in Mexico and you have to produce two cars to be exported to the United States before you can sell one in Mexico. So there was a requirement—there is, I should say before we have NAFTA: it is still on the books today—there is a requirement that in order for Chrysler or General Motors to sell an automobile in Mexico, they have to purchase there and they have to produce two others and ship them to the United States.

How in the world can that be a benefit to have that kind of limitation? How can that possibly be a benefit to the workers of the United States and the workers in our big three auto manufacturers?

Under NAFTA, that will change. Under NAFTA, it will be possible for the United States to rationalize its production, to produce the light trucks here in the United States and ship them down to Mexico, to produce one model of sedan in Mexico and ship it up to the United States; but overall, we will be able to sell into a growing Mexican auto market.

The Mexican consumer auto market last year reached 700,000 units. Now, you say that is not very much. That is one-tenth, less than one-tenth of what we are selling here in the United States each year.

□ 2000

It has doubled what they sold 3 years ago in Mexico, doubled in the last 3 years in Mexico, the auto markets. So, we have, when we take these prices down, we have an opportunity, and take these tariffs down, we have an opportunity, to sell more of our products in Mexico. The big three auto makers estimate that in the very first year of NAFTA, and the auto part does not go in effect, does not become fully implemented, for 10 years, but the auto makers estimate that in the very first year they will sell 60,000 units in Mexico.

One might say, "Well, that's 1 month's production or 1 year's production out of one plant."

I ask my colleagues, you know how many we sold in Mexico last year, how many cars and trucks made in the United States went down to Mexico?

Less than 1,000 because you can't sell a car in Mexico. It has to be made in the United States.

So, the opportunities for us are immediate, and over the course of the next 10 years, as we phase out all those restrictions on automobiles, we will have an agreement that will truly open this market and make it a real marketplace for all of us.

There is something that is also going on down in Mexico that I think is extraordinary when we talk about—and before I leave the retail issue altogether—and it is called, and it has been called in articles down there, the malling of meso-America. We have heard about the malling of the United States, building supermalls here. But the granddaddy supermall of them all is under construction now on the outskirts of Mexico City. It is called Santa Fe. It extends over several square miles, includes hotels, office buildings, commercial centers, all kinds of auto malls, all kinds of retail stores, boutique stores, large department stores. It sprawls for mile after mile. It will be years in development, but it is more than a billion dollar development. It will be the largest mall in the world when it is completed.

In May 1992, Mr. Speaker, Melvin Simon & Associates, the largest retail property developers in the United States, announced plans to build five regional malls in Mexico. Each of them is going to be anchored by a U.S. store. Dillard's will anchor some of them; Penny's will anchor some of the others. They will be wholly owned subsidiaries of their U.S. operations, and, like Wal-Mart, they will bring the same products that are on the shelf here in a Dillard's and in a J.C. Penny's—will be found on the shelves down there. Yes, there will be some products that are made in Korea, and in Taiwan, and in Japan, and in China, and, yes, some that are made in Mexico. But there will be a very high preponderance of those products that will be made in the United States because the Mexicans do like the quality of United States products. They know them, they trust them, they have been coming to the United States across the border for decades, visiting their families, shopping, coming here in order to buy those products.

Mr. Speaker, I invite any one of my colleagues to come with me to Arizona on any weekend of the year, come and spend just an hour with me in a Price Club or a Sam's Club and watch who is coming in to that store and who is buying what.

Now I think, if my memory serves me correctly, the average ticket price in a Price Club is about \$160. That is a lot of money that people come in and in 1 day's shopping they are spending \$160. But the average amount that is spent by the family that comes from Mexico, because they come up in many cases all the way from Sinaloa, drive 5 to 8

hours to get there, and they spend the weekend in Tucson. They come up, and they spend \$500, \$600, \$700, \$800, \$1,000, \$2,000, \$3,000 at a single time. I do not know what the average ticket is for the person coming from Mexico, but I can tell my colleagues it is many times higher than what we are spending. A very large proportion of the retail market along the border has been Mexicans coming across the line.

What that means for NAFTA is that Mexicans will continue to buy U.S. products. In many cases they will continue to come into the United States to do that. In other cases they will have those available to them in Mexico through their own distribution system down there. So, there is a tremendous opportunity for U.S. retail business down there.

I want to take some time this evening, a few minutes, to just talk about some of the different groups that have come out in support of the North American Free-Trade Agreement and the statements that they have made on its behalf. I think this is important because these organizations represent a tremendously broad cross-section, not only of American industry and of American trade associations, but of the fiber of America itself, of those who are the working men and women who produce the goods, and the services, and the wealth of this country. Let me share with my colleagues some of these comments from some of the agricultural associations.

The National Grain Sorghum Producers, headquartered in Abilene, TX: It is strongly in favor of NAFTA. It has said the following, and I quote,

When NAFTA passes, tariffs will be removed, allowing U.S. sorghum to be exported to Mexico year-round. U.S. sorghum growers will benefit by selling more grain sorghum at a higher price. The NAFTA is a win/win situation for the U.S. sorghum industry.

The American Oil Seed Coalition, and it represents the American Soybean Association, the National Cotton Seed Products Association, the National Oil Seed Processors Association, the National Sunflower Association, and I know sometimes it is hard to imagine that we have an association for all of these things, and, yes, the U.S. Canola Association—it also strongly supports NAFTA. It has said, and I quote,

In order for U.S. oil seed producers, processors, exporters to realize the potential demand in Mexico for protein meal and vegetable oil it is critical that the Congress approve NAFTA. Without NAFTA Mexican demand for protein meal and vegetable oil is certain to grow at a slower rate.

We have similar statements from the National Cotton Seed Products Association. We have a similar statement from the National Cotton Council of America. It is the central organization in this country for the entire cotton industry. Its members include producers, ginners, oil seed crushers, merchants,

cooperatives, warehouse men, and textile manufacturers. A majority of the industry is concentrated in 17 cotton producing States ranging from California to the Carolinas. But it also includes downstream manufacturers of cotton apparel and home furnishings, and it has said the following, and I quote,

When the board of directors viewed NAFTA as a whole, it determined that the agreement on balance met the requirements of the NCCA resolution on the subject, namely that the agreement gives the U.S. cotton industry the best opportunity for supplying apparel and other end-use manufacturing industries with U.S.-produced cotton and its products.

We have a similar statement from the National Association of State Departments of Agriculture. That is all the public officials representing agriculture in each of our 50 States, and they strongly support the North American Free-Trade Agreement because they understand it is the opportunity for U.S. agriculture to expand its exports.

We have a very strong statement from the National Cattlemen's Association, an organization that I have worked very closely with because I represent a large part of the cattle industry in Arizona, and it has said that it believes that it will see a tremendous increase at a rate of almost \$50 million per year in exports of live cattle to Mexico, and that, of course, means more business for the United States cattle growers.

□ 2010

We have a strong statement from the National Food Processors Association. We have support for NAFTA from the Sweetener Users Association. The Grocery Manufacturers of America, as you might imagine from what I was telling you about earlier retailing in Mexico, is strongly supportive. GMA, the Grocery Manufacturers of America, is the national trade organization for 130 companies which manufacture 85 percent of the food and grocery products which are sold in retail outlets. They have said,

We believe that by eliminating high tariffs on food and grocery products, the NAFTA will markedly increase opportunities for grocery manufacturers to export to the rapidly growing Mexico market of over 90 millions consumers and create new jobs for American workers.

But, of course, it is not limited just to agriculture. We have similar kinds of statements that have been made from other organizations as well. Let me just quickly run through a few of these.

We have the Association for Manufacturing Technology, which is a trade association, whose membership includes 300 machine tool building firms with locations throughout the United States. And it is strongly in favor of NAFTA because we have a tremendous opportunity to sell machine tools to

this growing economy in Mexico that is now closed to us because of the tariffs and the quotas that exist on those machine tools.

The National Association of Manufacturers, which is the gigantic umbrella organization for all manufacturing in the United States, is strongly in support of NAFTA. They have said, "U.S. consumer goods manufacturers are among the most aggressive supporters of the NAFTA."

We have a very strong statement of support from the U.S. Hispanic Chamber of Commerce. They understand that their members, who have the closest cultural ties to Mexico, will be among those who will be able to benefit in this country as they do more business with Mexico. They have said, "To defeat NAFTA is more than a just a slap in the face to Mexico. To defeat NAFTA is to deny U.S. businesses markets that we so vitally need."

The Interstate Natural Gas Association of America, with 40 members, 29 associate members, and 8 international affiliates in Canada and Mexico, represents the pipeline industry of North America, and they strongly support NAFTA.

The American Gas Association, which is the trade association of the natural gas distribution and transmission companies, they strongly support the North American Free-Trade Agreement.

The American Textile Manufacturers Institute—remember, textiles is one of the things we have been told that we should be concerned about. Yet textiles is one of the great gainers under NAFTA. Why? Because there is a provision in the agreement that is called fiber forward. In order to be counted as a North American product and free of the tariffs that either United States, Canada, or Mexico charge each other, the fiber has to be made here in the United States, or in Mexico, or in Canada.

Of course, the great strengths of American textile manufacturers is in the fabric. That is where the capital investment is. That is where the high paying jobs are to be found. Not in the people who sew the garment, but in those who make the fabric.

So there will be a tremendous market for fabric manufacturers here in the United States as we make that fabric that will be sewn into blue jeans, shirts, suits, and shoes in Mexico, and the United States, and in Canada. So it greatly expands the market for textile manufacturing, and they are very much in favor of NAFTA as a result of that.

The Association of American Railroads understands that trade depends on free movement of goods. In fact, they have said, "Railroading depends on free trade. Our rapidly growing double stake business, for instance, needs stronger international trade flows in

order to offer a viable domestic service."

The Printing Industry of America has 34 State, local, and regional affiliates, and it is a small business industry. It is consistent, representing small businesses all over the United States that are in the printing business.

They also understand that more business will come as they are able to do contracts with people in Mexico or they are able to do business directly in Mexico. They strongly support the North American Free-Trade Agreement.

The American Automobile Manufacturers Association is strongly in favor of NAFTA. I described earlier the very obvious benefits. Not just our CEO's, not just the stockholders of General Motors and Ford, but the workers who work in our plants, because they will have jobs making more cars, more trucks, that will be sold in Mexico. And they are very, very strongly in favor.

They said this in a letter from Andrew Carr dated October 19, of this year.

NAFTA is a big win for the U.S. auto industry and its workers. It opens up for the first time one of the fastest growing markets in the world to sales of a full range of U.S. built cars and trucks. The allegation that U.S. auto plants are going to pick up and move to Mexico under NAFTA is a complete fallacy. The vast majority of Chrysler, Ford, and General Motors' North American production is located in the United States, because American workers, facilities, and supply networks are simply the most efficient.

That question is a good point to take off on discussion of a subject which is another one of the great myths of NAFTA, that somehow, as soon as we pass NAFTA, all American manufacturers are going to pack up and move to Mexico, as though they could not do it today if that was their desire. There is nothing in the law that prohibits them from going to Mexico. There is certainly nothing in Mexican law that prohibits them. There is certainly nothing in NAFTA that makes it more easy for them to move that production to Mexico.

Sure, NAFTA provides some certainty. In that sense, the stability and the certainty that it brings to the political and the economic circumstances is perhaps a reason for investment in Mexico. But a manufacturer that is thinking of moving a plant down there must consider and weigh many, many factors.

Unfortunately, it is not just the wages. Or perhaps I should say fortunately it is not just the wages that they consider. Common sense, when you think about it, would say, yes, of course, there are other factors that go into that. And common sense will tell you if it was just the wages, what would be the greatest manufacturing giant in the Western Hemisphere? The answer is Haiti. It has the second lowest wages in the world. Only Bangladesh has wages lower than Haiti.

But do you see large numbers of plants moving to Haiti? Of course not. Why not? Because Haiti lacks all the things that are needed in order to make a manufacturing center. It lacks the infrastructure. It lacks the skilled labor. It lacks the political stability. It lacks all of those things, the resources that are necessary in order to make manufacturing work.

Now, Mexico is not Haiti. It is certainly far better than that. There is political stability in Mexico. There is a growing middle class. There is a growing educated work force. There is an increasingly skilled work force. There is growing and improved productivity and improved infrastructure.

But, still, Mexico lacks significantly when compared to the United States in all of those departments. So it is things other than wages that go into the decision about where a manufacturer is going to locate his or her plant.

Not long ago, one of the major accounting firms did a survey of some of the Fortune 500 companies. They asked them to rate what were the factors that made you decide where you would locate? And they listed such things as wages, regulation, transportation, workers skills, and so on and so on.

Of the 20 factors, wages was 14th. For manufacturing wages, direct labor is about 24 or 25 percent of the cost of production. So obviously, it is not the only factor that goes into a decision that is being made about where you are going to locate a manufacturing plant.

□ 2020

The truth of the matter is that many factors go into that decision. The truth of the matter is that companies will locate in a foreign country when they believe that they have access to the market and it is access to the Mexican market that will help them to locate down there. But with NAFTA, they can have that access to the market without having to relocate in Mexico.

The truth is that some companies have found, as they have gone down there, that they have not, it has not worked out as they thought it would, that the infrastructure problems, the regulatory problems, the lack of skilled labor has made it impossible for them to produce goods as productively in Mexico as they can here in the United States. And so they have moved their production back to this country.

If we are talking about support for the North American Free-Trade Agreement, there is an almost endless number of editorial support, editorials in support of NAFTA. I will obviously not take the time tonight to go through all of these. I think it is instructive just for a moment to review a little bit of the scope of this support that exists in the media, because I think it raises the question, for those who may be doubtful about NAFTA, should I reexamine

my position or my doubt, when I see that every living former President is in favor of NAFTA, when every living former Secretary of State is in favor of NAFTA, when every living former Secretary of Commerce, Republican and Democrat, is in favor of NAFTA, when 41 of our 50 Governors are in favor of NAFTA, these are the people that are on the line every day with jobs, they understand the importance of NAFTA, and when you have this kind of almost overwhelming total support by the news media of the North American Free-Trade Agreement.

Let me just very quickly run through a few of the newspapers that have written in favor of NAFTA in the last 12 months. Publications that have national circulation that have supported NAFTA include Investor's Business Daily, the Journal of Commerce, the New York Times, the Wall Street Journal, the Washington Post, USA Today.

Those with international circulation include the Economist, the London Daily Telegraph, and then you can go through it State by State. And I will just mention a handful of some of the papers that have supported NAFTA, including, in Alabama, the Birmingham Post-Herald, which, by my count here, has editorialized on at least seven different occasions in the last year in favor of NAFTA; in my State of Arizona, the Arizona Republic, which has editorialized at least nine times in favor of NAFTA.

We have in California the Alameda Valley Times, the Enterprise-Record, the Fresno Bee, the Los Angeles Times, the Monterey Herald, the San Diego Union-Tribune, the Sacramento Bee, the San Francisco Examiner and Chronicle, the Santa Rosa Press Democrat, the Santa Barbara News, the Vallejo Times Herald.

You have on NAFTA other States such as in Colorado, the Colorado Springs Gazette Telegraph, the Denver-Rocky Mountain News.

You have the Hartford Courant in the great Northeast, where there has been high unemployment, that understands that NAFTA is about exports and exports are what we must have if we are going to create jobs. And they have editorialized on at least 3 occasions in the last 3 months in favor of NAFTA.

You have the Wilmington News Journal. You have the Washington Times here in this city. You have, yes, in Florida, where there has been so much opposition to NAFTA, you have the Florida Times Union, the Fort Myers News-Press, the Miami Herald, the Pensacola News-Journal, the Tallahassee Democrat.

You have in Illinois the Bloomington Pontagraph. The Chicago Tribune, on 10 different occasions in the last 2 years, has editorialized in favor of the North American Free-Trade Agreement.

In Indiana, the Evansville Courier, the Indianapolis News. In Iowa, let us

remember these are not all large newspapers, in Iowa you have the Wallaces Farmer. In Kansas, you have the High Plains Journal. You have, in Louisiana, the New Orleans Times-Picayune. In Maine, the Bangor Daily News. In Maryland, the Baltimore Sun has editorialized more than a dozen times in favor of NAFTA. In Massachusetts, the Boston Globe and the Boston Herald and the Christian Science Monitor. In Michigan, such small newspapers as the Adrian Daily Telegraph, the Alpena News, and larger newspapers such as the Detroit News and Free Press. The Detroit Daily News and Free Press, by my count here, has editorialized more than 15 times in the last year on the subject of NAFTA and free trade.

In Minnesota, ranging from the small newspaper like the Fairmont Sentinel to the Minneapolis Star and Tribune. In Missouri, the Kansas City Star. In Montana, the Billings Gazette. In Nebraska, the Omaha Daily Record and the Omaha World Herald.

In Nevada, we have had support indicated from the Las Vegas Review-Journal. In New Mexico, from the Albuquerque Journal.

In New York, editorial support has been expressed from the Albany Times-Union, from the New York Daily News, the Rochester Democrat & Chronicle, the Syracuse Post Standard.

I am only, by the way, mentioning here about one-fifth of all the newspapers in each of these States that have editorialized in favor of NAFTA.

In North Carolina, we have heard from the Greensboro News & Record. In Ohio, we have had several editorials on behalf of NAFTA written by the Akron Beacon Journal, the Cincinnati Enquirer, the Dayton Daily News, and small newspapers like the Ravenna Record-Courier and the Willoughby News-Herald.

In Oklahoma, editorial support has been expressed by the Daily Oklahoman and the Tulsa World. In Oregon, from the Oregonian in Portland. In Pennsylvania, from the Philadelphia Inquirer. In Rhode Island, from the Providence Journal-Bulletin. In South Carolina, editorial support for NAFTA has been expressed by the Charleston Post and Courier and the Spartanburg Herald-Journal.

In South Dakota, by the Sioux Falls Argus Leader. In Tennessee, by the Memphis Commercial Appeal.

Many newspapers in Texas have expressed their support. After all, Texas is one of the States that understands best the value of NAFTA. Texas, last year sold \$18 billion goods and services in Mexico alone, eclipsing by more than threefold the next largest State in sales to Mexico, which was California, and eclipsing my State, which was the third largest by 9 times. We have had support expressed in Texas by papers ranging from the Amarillo News-Globe, the Dallas Morning News, the El Paso

Times, the Houston Chronicle and the Houston Post, the San Antonio Light and the Victoria Advocate.

In Utah, the Deseret news and the Salt Lake Tribune.

In Virginia support for NAFTA has been expressed by the Norfolk Virginia-Pilot and the Richmond Times-Dispatch. In Washington, by the Seattle Post-Intelligencer and the Spokesman-Review from Spokane, WA. In West Virginia, the Charleston Daily Mail has spoken on behalf of free trade. In Wisconsin, the Milwaukee Journal, the Milwaukee Sentinel.

I have said that there are only a handful of the newspapers that have spoken out in favor of NAFTA and free trade. All together this constitutes 479 editorials in the last year and from 187 American newspaper in 45 States and the District of Columbia.

□ 2030

Once again, I would say the people who may be opposed to NAFTA must at least ask the question: Am I sure of my opposition when there is this much support in favor? Could I possibly be wrong, and they could be right, if so many people that have been involved in world politics and in trade for so long, have some knowledge about this issue, are in favor of it?

I would say that I think that is a compelling argument. It is certainly not enough reasons in and of itself to support the North America Free-Trade Agreement, but I think that it is at least one compelling argument that people must ask themselves: With that kind of support from trade associations, from businesses, from organization all across our land, from elected officials and from Governors and from economic development authorities, there must be something that these people know about what job creation is all about.

Why else are these people, whose sole job it is to provide jobs for their citizens, so much in favor of NAFTA?

I am going to end my remarks, Mr. Speaker, because we all have an opportunity in the next 13 days to continue this discussion and this dialog, I am going to end my remarks with the comment that during the course of these next several days a lot of information is going to be passed along, a lot of statements are going to be made, and unfortunately, some of those statements will not be accurate. They will represent misinformation, and they will represent disinformation.

Many of the statements that will be made are going to be very hurtful to our friends in Mexico, and yes, in Canada, but mostly in Mexico and in Latin America. Many of the statements that are going to be made are going to be false, and they are going to be based on stereotypes, and they are going to be based on fearmongering.

I just hope that in the course of this debate, during this next 2 weeks, that

all of my colleagues, whether they are for or against the North American Free-Trade Agreement, will try to keep the debate on the issue, on the facts that are involved in this case.

The relationship that we have had with Mexico throughout the course of our independence and their independence over the last 150, more than 150 years, has not been an easy relationship. It has had its ups and downs. It has had its times when we have been on good terms, and times when we have had more strife in our relationship.

However, never, never in the course of 150 years have we had a relationship as close, as good, as we have today. Much of the credit for this must go to the administration of President Salinas, who was willing to make the bold steps to sweep away the history of 150 years of history, 150 years of nationalism, to say that Mexico's future had to be tied to markets and to the United States, and was willing to take Mexico on this important journey and this difficult road towards greater trade with the United States.

Mr. Speaker, I would hope that as this debate goes forward, that we would try to keep our remarks and our comments in that light of building on the relationship that we have had in the past. If we do that, the relationship between our two countries will be strengthened at the end of this debate.

I am also confident that at the end, when all is said and done, that the Congress of the United States will vote for the future of this country. We will vote for the North American Free-Trade Agreement.

PERMISSION TO RESUME SPECIAL ORDER

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that I be permitted to take the balance of my 1 hour.

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under clause 2 of rule XIV, a Member may not—even by unanimous consent—occupy more than 60 minutes in special orders.

The Chair notes, however, that the gentleman from California [Mr. HUNTER] earlier yielded back 54 of his 60 minutes.

Without objection, the gentleman may reclaim that time at this point.

There was no objection.

REPORT ON SOMALIA

Mr. HUNTER. Mr. Speaker, I want to again yield to my friend, the gentleman from California [Mr. DORNAN] to speak about this very important issue with respect to Somalia.

DRAWBACKS TO THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. HUNTER. Having just listened to my friend, the gentleman from Arizona [Mr. KOLBE], making extensive remarks about NAFTA, about the North

American Free-Trade Agreement, and challenging those opponents of that agreement, among which I count myself as a person who thinks that this is not a good deal for the United States or for Mexico, to finish a debate in the next 2 weeks on the merits, I totally concur with those guidelines.

In fact, I think that the interesting and ironic fact is that the people who oppose NAFTA in the House of Representatives respect greatly the capability of Mexican workers and their ability to make high quality goods, utilizing high productivity, for very low wages.

That fact, unfortunately, has resulted in literally hundreds of businesses moving south to Mexico and replacing \$10 and \$15 and \$20 per hour American workers with \$2.38-an-hour workers, such as the workers who work in the Ford plant in Hermosillo, Mexico.

It is because anti-NAFTA Members of this House respect the productivity of Mexican workers and their capability, not only of doing low-tech jobs but doing high-tech jobs, something we are seeing south of my district in California, that we feel it is important too, instead of making Mexico investment-friendly for American employers, to make this country, the United States of America, investment-friendly, so we can incentivize businesses to locate plants, factories, and zones of enterprise in the United States, not beyond our border, because we need to have good blue collar jobs, \$10, \$15, \$20 an hour, to make this country go.

I think it is interesting, we are talking about Somalia and about America's projection of military force around the world. I am just reminded in listening to the statement of the gentleman from Arizona that the average blue collar worker in this country pays \$1,000 a year out of his or her paycheck, out of his whole pay, just for national defense. He pays that in taxes. It goes to national defense. The great American effort that we saw manifested in Desert Storm was paid for by middle-class America.

The average American worker, in paying \$1,000 per year out of his or her paycheck for national security, indeed, for the security of the entire free world, pays what amounts to almost 50 percent of the average Mexican worker's entire annual salary, leaving the question that if jobs are allowed to go to Mexico, because of the delta, the margin in wages, who is going to pay that massive cost of projecting the powers of freedom and military force around the world?

Having said that, Mr. Speaker, let me just introduce the gentleman from California [Mr. DORNAN] one more time. As a member of the Committee on Armed Services, he, more than any other Member, has taken the time to fly to Somalia and back, took 40 hours

in the air. He spent literally dozens of hours reviewing the information as to exactly what happened, and he has done more than any other Member of the House in terms of educating our Members on the Somalia situation, and I think also educating America at the same time.

Having said that, let me thank the gentleman, as a member of the House Committee on Armed Services, on behalf of all of our members on the committee, and all of our Members in the full House, let me thank my friend, Bob, for the work that he has done for the American people.

I know it has inconvenienced him greatly, and he has spent a lot of time away from his family because he thought this was important. More than any other Member, he has undertaken this project with his usual overabundance of energy and verve and concern about America and America's forces.

BOB, thank you.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

REPORT ON SOMALIA

Mr. DORNAN. Mr. Speaker, I thank my colleague from California.

Mr. Speaker, during the break when the gentleman and I were showing some of these pictures to Jody Pierson, the widow of Keith Pierson, killed on August 8, with three of his Military Police colleagues, and to Keith's sister, Laura, you found this article in USA Today: "Grieving Father Rejects Clinton's Letter."

I have read about this Ranger, Corporal James E. Smith. You read his name last week. His father, James H. Smith, Sr., a different middle initial, is a retired infantry captain in Long Valley, New Jersey. He writes in USA Today why he sent back the letter from the Commander in Chief, and why he felt he could not be loyal to his oath as an Army officer and to his Ranger son.

□ 2040

I will put that in the RECORD.

[From USA Today, Nov. 3, 1993]

GRIEVING FATHER REJECTS CLINTON'S LETTER

With the death of my son, Ranger Cpl. James E. Smith, the outpouring of love and support has been overwhelming. The letters and kind words have helped my family through a difficult time, and we will always be grateful. But there was one letter I could not accept and returned to its sender—President Clinton.

As a warrior who was disabled in the Vietnam War, and as the father of a warrior killed in action in Somalia, I could not accept the president's letter of condolence. To do so would have been contrary to all the beliefs I, my son and the Rangers hold so dear, including loyalty, courage and tenacity.

The president's failure to provide the requested combat support in Somalia revealed a lack of loyalty to the troops under his command and an extreme shortage of moral courage.

I've had Rangers with tears in their eyes apologize for letting my son die or for failing

to rescue the trapped Rangers. The failure was not theirs; it was the president's. Trucks and Humvees cannot replace the requested tanks, armored personnel carriers and Spectre gunships.

Until the president is either willing or able to formulate a clear foreign policy, establish specific objectives and—most important—support the men and women in uniform, I will "lead the way," as the Ranger battle cry says, in ensuring that he no longer sends America's finest to a needless death.

When the president meets these criteria, then I will accept his letter of condolence.

James H. Smith, retired captain/Infantry, Long Valley, N.J.

Mr. Speaker, here also are two outstanding articles, one from the Army Times by Lt. Col. James H. Baker. He is deputy commander of the U.S. Infantry, the Old Guard at Fort Myer, VA. He has been a peacekeeper in Egypt, Lebanon, the Iraq-Kuwait border zone. He writes how "the issue of putting U.S. troops under U.N. command is too often discussed by persons who know little about armies and less about command structures or U.N. peacekeepers." He speaks from experience. I think I will call him and ask him about the Old Guard over here at Fort Myer being used as messenger boys on Capitol Hill. It is disgraceful.

I include that article from the Army Times.

[From the Army Times, November 1, 1993]

ON PUTTING U.S. TROOPS UNDER U.N. COMMAND

(By Lt. Col. James H. Baker)

The issue of putting U.S. troops under U.N. command is too often discussed by persons who know little about armies and less about command structures or U.N. peacekeepers. It oversimplifies the matter to say that American combat forces can serve under U.N. commanders in peace operations just because they "fought under foreign command" in various wars.

According to their country's geography, prosperity, and neighbors, armies differ widely in methods, equipment and size. Military commanders develop the skills required by their own army. It takes no genius to know that nations with limited technology have few specialists in the use of sophisticated weapons and surveillance systems. Armies with no units larger than a brigade have little need to train commanders for large-scale maneuvers, and those with minuscule mechanized forces rarely develop experts in combined-arms operations.

U.N. forces are drawn from armies all over the world; professional skills and experience differ widely among the various troop-contributing nations. But the most modern, well-rounded armies, and consequently the most versatile commanders, tend to be those of the industrial democracies, most of which are NATO members. Even NATO's smaller armies train frequently with U.S. forces and equipment, and NATO officers are the foreigners most qualified to command U.S. troops and exploit U.S. technology and equipment.

As for command structures, U.S. combat troops have indeed fought under the overall command of military leaders of other countries. In World War II, large American formations were sometimes placed under an allied commander. For example, Gen. George Patton's U.S. Seventh Army, along with

Gen. Bernard Montgomery's British Eighth Army, came under the command of British Gen. Sir Harold Alexander during the Sicily invasion in 1943.

In such cases, large American units were preferable because they were self-contained. They fought according to their own training and procedures, often different from those of their allies. They could eat, fight and refuel as independent elements. Equipped, trained and supplied by the United States, they carried out the plans of the allied commander but were not tied to him by an umbilical cord.

Developments in technology and military doctrine over the past half-century have given smaller units more independence. And within NATO, joint training and standardization of some equipment and procedures have made it still easier for such U.S. units to serve under a non-American NATO headquarters. NATO planners and commanders have adapted to these realities. In war plans and large-scale exercises, American brigades and sometimes battalions are routinely put under the command of allied officers. "Interoperability" is the goal, and NATO has consistently worked to realize it.

As a natural outgrowth of this policy, a brigade of the 82d Airborne Division took operational orders from a French division headquarters in Operation Desert Storm. Few problems ensued; although the French Army is not part of NATO's integrated command structure, it long ago adopted NATO procedures and has frequently taken part in NATO training exercises.

But what did not happen in Desert Storm was more noteworthy: No U.S. Army ground combat unit went into battle under command of a non-NATO officer. Implicit is the issue of qualifications and experience. With no slight to their dedication non-NATO officers were professionally unprepared for the job.

The United Nations does not select peace-force commanders for their military acumen. It picks them according to political criteria; these are clearly important, but if the United Nations' task involves anything other than the passive monitoring of a cease-fire—if battle injuries and deaths are anticipated—the selection of a U.N. general must also take into account his purely military qualifications. A Third World colonel "bumped up" to a two- or three-star U.N. rank because of his political suitability does not thereby become qualified to command large formations of troops in near-combat conditions.

Putting U.S. combat forces under U.N. command is a multifaceted issue that defies simple analogies. To address it, pundits and policymakers need more than a superficial knowledge of history. U.N. officers can effectively command U.S. troops—if such a policy is intelligently applied. Bluntly, this will mean allowing U.S. forces to serve under the command of some foreigners but not others, according to their military qualifications and experience. And that will usually mean NATO officers.

Mr. Speaker, here is an article from the same day from the Air Force Times by George C. Wilson. Many people know that name going back over several decades. He has been the senior defense correspondent for the Washington Post and is the author of several books on military affairs. And he says, agreeing with you and me, that "Gen. John Shalikashvili, the incoming chairman of the Joint Chiefs of Staff, owes it to

himself, and Congress owes it to the citizenry, to conduct parallel investigations of what went wrong militarily in Somalia—and why.

"The best way to solve a national problem is to force national leaders to focus on it. That is why the Joint Chiefs' obsessively secret investigations of military foulups are never enough. Congress must get involved as well and tell the people what it learned."

I include that article for the RECORD.

[From Air Force Times, Nov. 1, 1993]

INVESTIGATE SOMALIA IN CLEAN LIGHT OF DAY
(By George C. Wilson)

Gen. John Shalikashvili, the incoming chairman of the Joint Chiefs of Staff, owes it to himself, and Congress owes it to the citizenry, to conduct parallel investigations of what went wrong militarily in Somalia—and why.

The best way to solve a national problem is to force national leaders to focus on it. That is why the Joint Chiefs' obsessively secret investigations of military foul-ups are never enough. Congress must get involved as well and tell the people what it learned.

Daylight is the best disinfectant for fouled-up military procedures. If tactics or commanders or national policies can't stand the light of day, they should be changed. Otherwise airmen, soldiers, sailors and Marines are victimized by other people's mistakes.

As a longtime student of military affairs (I don't believe there are any experts) who has witnessed a goodly number of foul-ups, I have a lot of bothersome questions about our military operations in Somalia.

More impressive, military friends who have been in all kinds of combat, including special operations, have the same questions, as well as many others. They include:

Why did Lt. Col. Danny McKnight lead his Rangers on the raid on Mogadishu's Olympic Hotel Oct. 3 rather than establish himself in a command post on the ground where he could direct their extraction or rescue?

Although it is brave for such high-ranking commanders to get out front with their men, the officers' catechism says this is a temptation to be avoided for the unit's overall security. Perhaps McKnight had good reasons. Let's hear them.

Why did the Rangers descend from helicopters in broad daylight in an area known to be full of heavily armed supporters of Somali warlord Mohammed Farah Aidid, the man they were trying to capture? Who assessed the risks of such daylight raids?

Retired Army Gen. Maxwell Thurman, commander of the Panama invasion, told me that those operations proved U.S. forces hold the biggest advantage when they conducted raids at night. What has changed since Panama?

Where was the backup firepower for the raid on the Olympic Hotel, such as helicopter gunships, if no fixed-wing air cover or direct-fire artillery was available?

What was the extraction plan for the troopers who ended up trapped in Aidid territory in downtown Mogadishu?

When and why did Maj. Gen. Thomas Montgomery, the U.S. commander in Somalia, ask for tanks, Bradley fighting vehicles and artillery? Did the Joint Chiefs analyze his request? What did Gen. Colin Powell, now-retired chairman of the Joint Chiefs and chief military adviser to the president, do about the requests?

Defense Secretary Les Aspin has admitted that he rejected Montgomery's request but

has elaborated on the advice he received on the issue from the Joint Chiefs. Is Montgomery being unfairly downgraded in command responsibility because of his foresight?

Why were Rangers and other U.S. forces headquartered at Mogadishu International Airport where hostile warlords could track their every move rather than put in a secure compound outside the city?

How should command and control relationships with U.N. forces be revamped?

How should the Code of Conduct be changed to ease the pressure on U.S. service people who are bound to be captured and tortured sooner or later by warlords who will force them to make anti-American statements and beam them around the world?

OK, Gen. Shalikashvili and Congress: That's a start on the questions; now let's start on the answers.

Also at this point I will put in the RECORD the letter from Gail and Larry Joyce. Larry is a retired lieutenant colonel. His son, James Casey Joyce, was one of the Rangers also killed on that bright Sunday afternoon, October 3. I will put his letter in the RECORD.

LARRY & GAIL JOYCE,

Chicago, IL, October 22, 1993.

Hon. ROSCOE G. BARTLETT,

Committee on Armed Services, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BARTLETT: My son, Sgt. James Casey Joyce, was one of the US Army Rangers killed in the October 3 Somalia ambush in Mogadishu.

Even though I served two combat tours in Vietnam, I could rationalize Bill Clinton's protesting the war in Vietnam. Now, I'm struck by the irony of his objection to American policy in Vietnam, and his support of a similar policy for US involvement in Somalia. It's similar, at least, in its vagueness, its politicization, and its misguided use of the military. My son opposed my support for Bill Clinton. His death in Somalia—brought about by weak and indecisive amateurs in the Clinton Administration—confirms my son's wisdom and my naiveté.

Senior military officers, including Chairman of the Joint Chiefs of Staff General Colin Powell, repeatedly requested armored and mechanized vehicles for Somalia. Secretary of Defense Les Aspin denied each request. Armored and mechanized units are essential reinforcements for the highly mobile but lightly armed Rangers my son was so proud to join.

Those reinforcements might not have helped my son, because he apparently was one of the first killed. But, they certainly would have helped many of the other 16 soldiers who were killed and the scores of others who were wounded. Army Rangers are the most highly trained and motivated soldiers this country ever produced. To put them, or any other soldiers, into combat with no way to reinforce them is criminal.

Americans, especially the casualties and their families, deserve answers. Congressional hearings should be held immediately to determine what went wrong in Somalia so those mistakes are not repeated. We must know who, specifically, made the disastrous decision to change the American military posture in Somalia from one of humanitarian relief to one of offensive combat and why this decision was made.

Did someone in the administration make that decision? Or was the President, the secretary of state and the secretary of defense simply asleep at the switch? Who decided Rangers should be used to arrest general

Aidid? Why? If his arrest was so essential, why did we suddenly decide to reverse course after my son and 17 other American soldiers were killed on October 3? Who so grossly underestimated his generalship in urban guerrilla warfare? Why? Is Aidid perhaps the only stabilizing influence in Somalia? If so, why did it take so many American casualties to learn that fact? Didn't we learn anything from Vietnam, where our obsession with Ho Chi Minh drew us deeper and deeper into that quagmire?

These are just a few questions that are begging for answers. I urge you to call for an investigation and congressional hearings so we can set our foreign policy straight and make proper use of our military in enforcing that policy.

Questions also need to be asked of the military command in Somalia. Why were Army Rangers inserted into what we now know was a deadly ambush without United Nations Forces—in place—to reinforce them? They were not American, but certainly, Malaysian and Pakistani tanks and armored personnel carriers were better than none at all. They did eventually arrive—ten hours late.

Today's army is far superior to the one in which I served in the 60s and 70s. The young men and women who serve in the defense of our country are a national treasure. In the future, let's ensure they get proper direction and support they need and deserve no less. Please let me know how I can help.

Respectfully yours,

LARRY E. JOYCE,

Lieutenant Colonel (Ret.),

U.S. Army.

I want to thank all of the staff here, and we are only going to go a few minutes because at 9 o'clock, I repeat, Larry King is going to have on this miracle survivor, WO Michael Durant. He is at his bedside in Fort Campbell, either in the hospital or in Durant's home. They are probably shooting at the hospital.

But you know, with all of this talk about the Army going into Mogadishu, and I showed the picture last week, I flew over the U.S.S. *Guadalcanal*, which is a big landing platform, helicopter Marine ship, and I flew over the *New Orleans*, and that is another LPH, and we have 1,900 marines from Camp Pendleton, CA in between your district and mine and Ron Packard's district, 1,900 marines from Camp Pendleton, that great Marine medium helicopter squadron 278 sitting on the ship, back and forth and back and forth, and another 1,800 marines from Camp Lejeune in North Carolina with their Marine medium helicopter squadron 162 flying these aging CH-46 Sea Knights. This is the 22nd Marine Expeditionary Unit. The one at Camp Pendleton is the 13th Marine Expeditionary Unit. And there are rumors that they are going to be put on the beach, and that they may help the Army guys there and the 10th Mountain Division patrol the streets.

I want to thank all of the staff for staying late tonight. But you know, Chris Hell, who is right behind me, you know Chris hit the beach at Normandy 50 years ago this coming June about 3 hours ahead of the invasion forces. He was one of the lucky engineers. They

said look, why don't you go in in the dark and blow up all of the tank traps, and the barbed wire so that our guys can have an easier time landing. And Chris said, "Yes sir," so he understands why this is important when young men and women are put in harm's way.

I also talked to one of the guards in the hall, and I apologized for this long special order. I talked to Kerry Sullivan out there, and Kerry said, "Congressman, this is my second wedding anniversary," and I said, "What are you trying to do, put a guilt trip on me?" And he said, "No. I want to say to you that I am proud to stay here with you, and so is my wife, Anna." And so I say happy anniversary to Officer Kerry Sullivan and his wife Anna who are putting up with this.

Good news for the troops in Somalia. On the Senate side it says they may get their tax break, but this was adopted by the Senate last month, and I am sure it will go through this House in the Ways and Means Committee. Enlisted warrant officer pay is exempt from Federal income tax, as is the first \$500 a month of officer pay. It went through so fast on the Senate side that they did it by voice vote.

Now, DUNCAN, it looks like with 15 minutes to go here I am going to have to do this again next week on the issue of Mr. Morton Halperin, who is serving and advising at the U.S. Pentagon in the Defense Department without Senate confirmation.

Here is the joke that was in the paper.

Mr. HUNTER. If the gentleman will yield, I think he needs to explain the background on Mr. Halperin and the proposed nomination of Mr. Halperin, and the position that he is nominated for by the President, and some of his background to give a context for your remarks.

Mr. DORNAN. I will. This to me was the most shocking appointment of anybody anywhere with the sole exception of the Clintons, and I have to think of them as a team now, of the Clintons appointing Jane Fonda. Remember, it was Hanoi Jane by every person who ever wore a uniform during the Vietnam war, or war era, Europe, stateside, North Pole, South Pole, or under fire in Vietnam, or one of the rear echelon troops, everybody remembers her as Hanoi Jane. Clinton sent her to the United Nations to lecture us about population, and to by name attack the largest Christian denomination in the United States and in the world.

But here is the second most offensive appointment, over the Surgeon General, Clinton's Surgeon General down there in Arkansas. There is nothing to equal Morton Halperin, and it is kind of all said in a joke here that hurts as much as it makes you want to laugh. It shows two pill bottles, a square and a round one, and it says, just the words, "For armor deficiency, take a dose of

Aspin and call the Pentagon in the morning." And there's a little play on the word aspirin and it says "Aspin." And then it says, "If Aspin upsets your stomach, try Halperin."

Now here is as fast as I can go through this, to be continued next week, the case against Morton Halperin. Morton Halperin has been nominated to be the Assistant Secretary of Defense for Democracy and Peacekeeping, a brand spanking new position created by the Clinton administration. And this is just a quick summary of this man's life.

Mr. Halperin is the principal architect of Presidential Decision Directive 13, a blueprint for largely subsuming U.S. participation in any peacekeeping to U.N. command and control. I think that was blown sky high by the death of all of our young heroes on October 3 and 4.

He favors considerably augmenting the capabilities and responsibilities to the United Nations to include the authority to raise revenues by taxing multilateral transactions such as arms sales, telecommunications, and multinational corporate sales.

Halperin, since the early 1970's, consistently strongly opposed U.S. covert operations abroad. Now he is claiming, getting ready to face his Senate confirmation, that he has changed his mind on that in the last 2 years. That is like saying Aristide of Haiti has grown up in the last 2 years and promises he will not call for people to be burned alive in the streets of Port-au-Prince, or what a good smell that is. He has grown up.

Mr. HUNTER. Mr. Halperin has in the past condemned our intelligence activities and covert activities. And I saw one statement, or will paraphrase a statement where he says we do not have a need, and we do not have a justification for covert activities.

Mr. DORNAN. Right now he claims that he has changed. That is the only thing now that he has claims he has changed his mind on, but there is no proof, there are no speeches, just he says he has.

He has participated in leadership positions with radical leftist groups engaged in public campaigns to shut down the counterintelligence capabilities of the FBI and the Justice Department, and to reduce drastically the foreign intelligence capabilities of the CIA, all of this at the height of the cold war when all issues were in doubt. And when Clinton says we won the cold war, and I always say what do you mean, we, how about people like this who maybe extended the cold war.

Now he considers his, Halperin's role in defeating Senator DOLE's constitutional amendment to the Constitution prohibiting the burning of the American flag a crowning career achievement of Morton Halperin. You and I stayed in this entire Chamber all night

long with these good workers not getting any sleep for 36 hours, all night, finding every little grade school child's speech, Barbara Frietchie's "Shoot if you must this old gray head," anything to respect our veterans and every veterans organization.

□ 2050

Every veterans organization has had a resolution to stop the legal burning of this flag and act, and to say that it is not free speech. He brags that under the ACLU and its leader in Washington he was the architect that shut you, me, and Senator DOLE down. Now he wants to walk through the halls of the Pentagon, through MacArthur Hall, through Eisenhower Hall, through Marshall Hall, through Bradley Hall, through Nimitz Hall? Give me a break. Where did this appointment come from? Out of Clinton's head? Out of Les Aspin's head? We ought to have hearings on our side of the Hill, but then we do not have gridlock anymore, do we? We have all one Government—not any longer in New Jersey, New York City, L.A., and the Lieutenant Governor's job in Arkansas and the last Texas Senate race and the last Georgia Governors race and the great State—did I leave out New Jersey or Virginia? We are getting a little wake-up call around here about getting rid of gridlock and having one-party Government.

But it gets better: Opposes the unilateral use of force in Grenada and Panama, and he says he would not support it except in very limited circumstances.

Mr. HUNTER. If the gentleman would yield, I guess Mr. Halperin's version of unilateral means if the United States wins, because that is bad if it is unilateral. Bilateral use of force is where you take casualties, I presume.

Mr. DORNAN. Exactly.

Now, he opposes random drug testing for Federal employees, including those in air traffic controller positions or national security officials who are dealing with code word top-secret documents. We may have a leak that some people in the Embassy—one of the marines who went to prison about 8 years ago is up now for parole, we are taking Russian KGB agents on a tour of U.S. Embassy in Moscow. I do not know why when they had the whole place bugged. But he said, "No, no, we cannot test people like that for random drug testing to find out if a scandal would be, maybe, developing, or rumors of one."

Another one: consistently has excused the actions of the Soviet Union and its client, like Cuba, at the height of the cold war, characterizing their intentions as benign. Now, that is communist intentions.

He spent 5 months leading Daniel Ellsberg's defense team of lawyers and testified on Ellsberg's behalf, characterizing the Pentagon papers as inconsequential to U.S. national security interests.

He filed a friend-of-the-court brief in defense of David Truong, a Vietnamese expatriate—and I remember this—accused of espionage on behalf of Communist Vietnam and theft of Government property. And he came to this country, David Truong, at our expense as a student. And he is working for the Communist government that has killed 600,000 people, forcing them out of the country as boat people who died on the high seas and the other 600 who made it here, we hope that made it here and are now, most of them, good American citizens.

Get this: He played an integral role in orchestrating the Clinton administration's campaign to allow male homosexuals and lesbians to stay in the military, join in the military, serve openly in defiance of overwhelming votes in this Chamber of 300 here and in the Senate, 70- to 80-percent vote, and he, as a paid consultant not yet approved by the Senate, spent the whole spring before he played a role in denying armor to men who were about to die in Somalia; he was pushing the homosexual agenda in the Pentagon.

Unbelievable.

Considers such issues as mental health, prior arrest record, drug use, alcohol abuse or membership in the Communist Party irrelevant questions to be asked for security clearance background checks. Mr. Speaker, these are facts. This is why I wish I was in the Senate. We ought to go and ask to testify on the Senate side at one of those tables, which is our right as House Members, when this guy's confirmation comes up.

Last but not least, 6 minutes before Durant appears on Larry King, this one particularly makes my blood boil: Morton Halperin, one-time analyst, one of the McNamara whiz kids in the Pentagon decades ago, he flew to Great Britain to testify on behalf of Philip Agee, a CIA renegade ex-agent who exposed the identities of hundreds of American intelligence agents around the world, including releasing the name of our station chief in Athens, Richard Welch. Now, Philip Agee was a Notre Dame graduate, I am sorry to say—there is bad in every great school's lineage. Philip Agee, who is in Cuba right now, got Richard Welch killed. Richard Welch was gunned down in the streets of Athens, a father with four children, I believe, murdered because this slime of the Earth, this Benedict Arnold, traitor, this Catholic-hating ex-Catholic and friend of Castro, expatriate for most of the past 25 years. Who flies to England in an English case against his releasing secrets to defend him? Morton Halperin.

The officers that I visited at Fort Bragg, down in Huntsville, all the bases I have been at in Somalia have kept their mouths zipped shut about Morton Halperin or the Commander in Chief. But I will tell you the enlisted

men must feel that they have more freedom of speech than the officer corps because enlisted men, including enlisted men recovering from serious wounds, have said to me, "Congressman DORNAN, you are not, please, sir, going to allow Morton Halperin to be in our chain of command serving in the Pentagon in some newly created under-secretary seat?" And I said, "Not until I have exhausted every means in this Chamber and talked to my friends in the Senate will I give up on this case." And if we are rolled and this guy is appointed over our objections, I think this is one more huge, not only nail in the Clinton coffin but maybe the beginning of pounding the stake in the heart of the man who dodged the draft three times and has consistently pathologically tortured the truth every time it comes up.

Mr. HUNTER. If the gentleman would yield, the point that he made about Richard Welch is one that I think needs to be restated because it is so significant.

That is that Philip Agee, who is represented by Morton Halperin, was a former CIA agent. And what he did was release the names and the identities of Americans who were serving in the agency.

Now, there are two ways you can kill people in the service of their country or people can be killed. One is the soldier, in uniform, who is identified by the enemy on a battlefield and killed in the course of war.

The other is to reveal the identity of civilians who are in exposed and vulnerable situations around the world, Americans who are serving in our secret service, that is, our CIA.

And they then are killed by our adversaries in their places where they are vulnerable around the world.

Richard Welch's name was revealed by Mr. Agee. Shortly after his name was revealed, he was assassinated. I believe he was assassinated in Greece or in Rome.

Mr. DORNAN. In Athens.

Mr. HUNTER. He was assassinated in Athens.

Mr. DORNAN. Within days of Agee releasing his name.

Mr. HUNTER. So the point is these left-wingers who hated this country so much and hated our intelligence service so much—and, incidentally, I get irritated when I hear people blame our intelligence service and denigrate our intelligence service, because the men and women who serve in our intelligence service never come home to a tickertape parade as our veterans from Desert Storm were; many of them die in small, cold, lonely places. They never receive the fame or the credit that they deserve. And they cannot receive that because their names and their identities must remain secret.

Yet they sacrifice every bit as much as the people who raised the flag at Iwo

Jima, those marines, including Ira Hayes, who stood there. They stand out on that most historic landmark on the other side of the river in Washington, DC.

So the point is that Philip Agee killed another American by revealing his identity to our adversaries, who assassinated him.

Mr. Halperin felt compelled to defend Mr. Agee, implying to me at least that he thought Agee's actions in revealing a secret service agent's identity to his enemies who assassinated him was somehow appropriate. And that is what tells me that appointing a man with that type of judgment, that type of moral character to a position where he is going to control literally the life and death of American fighting men and women is a terrible, terrible mistake.

Mr. DORNAN. Let me say to the gentleman because it is coming up on 9 and the gentleman and I are going into the cloakroom and watch Durant—I do not want to be caught driving home and missing this. I can spend another half-hour here. But let me put a few article in. I have already asked unanimous consent. Here is one from Human Events, one of Ronald Reagan's two favorite journals, former President Reagan. The subtitle is "Jane Fonda Next?" And the title is "Senate May Soon Approve Alarming Halperin Appointment." I want that put in there, and that is a two-sided article.

□ 2100

Later another article, "Bill Kolby Testify in Favor?"

Good God, Bill Kolby, I am asking in front of 1,300,000 Americans through our great Speaker, I hope not, Bill.

"Armed Services Poised for Halperin Nomination."

Then a "Chronology of Relevant Aspects of Morton Halperin's Career."

A decision brief from our friend, Frank Gafney and company, the "Halperin Syndrome": Clinton Appointees' Antipathy to CIA, Military Sets Stage for Debacles in Haiti, beyond. This one is dated October 26, 1993. We are going to have to live with a lot of this.

Then here is one, "Notable Halperin Quotes on Selected Topics" cold war, use of military power abroad, Defense Establishment, Intelligence Establishment. These are Clinton in his own words, and it goes on and on.

I just want to close, if I was doing a television show, I would say fade out on this.

This is a big C-130. It is an attack C-130, the gunship, the Spectra, they call it. This is sitting on the ramp at Mogadishu. I took a picture of this as we taxied in on the big C-5, before I even began all the things I was able to do there in a short period of time.

I asked the Rangers up in the hospital at Walter Reed and the Special Forces guys, "When did you get there?"

"August 25th, sir."

I said, "Were the C-130's, the gunships, still there, the Spectras?"

"No, they left 2 days before we got there, and we hope you will find out why, sir."

On August 23 the C-130's were pulled out.

On August 25 the Rangers and the Special Ops guys landed with an order to hunt down Aideed, without something that one of those young men, John Burns told me, Sergeant Burns, "We trained with this all the time. That is what we needed." It flies above 5,000 feet, out of the range of small arms fire and out of the range of the deadly rocket-propelled grenades.

I want to know. I want to ask this question in front of the committee. Who was it, and was it possibly Morton Halperin who said, "Pull them out. It's too offensive looking." Or was it some other civilian, and why were not the Joint Chiefs of Staff involved?

And where is our hero, citizen Colin Powell, when we need him, with the full force of his first amendment rights and a \$6 million book deal, signed and sealed. Where is Colin Powell to tell us what his last month was like in the Pentagon, bumping heads with Morton Halperin?

We have a lot of questions. Now what we need, I say to the gentleman from California, Mr. DUNCAN HUNTER are some answers. I will see the gentleman on this floor Monday as we debate Somalia.

Let us go see Michael Durant.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his work in this area and for all the investigation that he has done, for the very uncomfortable and inconvenient long 40-hour trip to Somalia and back. I look forward to working with the gentleman again over the next several days, continuing to develop this history for the American people.

Mr. DORNAN. Mr. Speaker, I include the following documents that I referred to earlier:

[From Human Events, Sept. 25, 1993]

JANE FONDA NEXT?—SENATE MAY SOON APPROVE ALARMING HALPERIN APPOINTMENT

Short of treason, what does it take to disqualify someone from securing a key position in the Clinton Administration's Defense Department? Nothing, apparently. So "civil libertarian" Morton Halperin, who collaborated closely with some of America's most vociferous enemies during the Cold War, may yet become assistant secretary of defense for democracy and peacekeeping.

Should Halperin be confirmed, he will have enormous sway over U.S. defense policy, including, it seems, sharing responsibility for putting American troops under United Nations command. He will also have access to our most precious military secrets, the very kinds of secrets he ferociously sought to divulge to the world when the Soviets were threatening us with nuclear annihilation.

The idea that this former, highly influential ACLU figure may actually be confirmed to such a powerful position within the Pen-

tagon has positively alarmed influential members of the national security community.

Nevertheless, he may very well end up getting the job. No Clinton appointee, it should be noted, has yet been defeated on a vote by the Senate, where the Armed Services Committee, chaired by Sam Nunn (D-Ga.), is supposed to take up the nomination shortly.

So far, not a single Democrat has had a bad word to say about Halperin, an ominous sign for his detractors. The Republicans on the panel are virtually united against him—William Cohen of Maine is still riding the fence—but no one has yet become the point man in opposition.

And where is Senate Minority Leader Robert Dole (Kan.) in all this? Too silent for those who believe, like us, that the GOP should be turning the Halperin selection into the burning national defense issue it deserves to be. Hence the concern that Halperin may be approved after all.

Meanwhile, a curious alliance of the far left (the once Stalinoid Nation magazine, for example), a few ultraliberal "defense experts" (Alton Frye, Arnold Kanter and Jeremy Stone), a clutch of neoconservatives at the New Republic and even an important conservative writer for the Wall Street Journal have begun to rally around the Halperin flag.

Nothing in Halperin's past appears to distress those rushing to his rescue. They're willing to ignore or even forgive his working with Soviet sympathizers and Vietnamese espionage agents to savagely undermine our national security and intelligence operations, his efforts on behalf of those who blew some of our most sensitive secrets during the Cold War and his support of CIA turncoat Philip Agee, the revolutionary Socialist who deliberately exposed hundreds of our CIA agents around the world.

When Agee "outed" our CIA station chief in Athens, Richard Welch, and Welch was subsequently assassinated, guess who came to Agee's defense? But even this astonishing embrace of Agee hasn't bothered Halperin's supporters.

They are apparently willing to have elevated to a key defense post a man who was so egregiously wrong about the Soviet Union that he was willing to proclaim:

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. * * * The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one."

He also said: " * * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law."

Really, is this the sort of fellow the senators want to entrust with America's survival?

In the great historic battle between Soviet communism and Western democracy, Halperin, invariably, was on the wrong side. But, tush, say his more conservative supporters, what's a few mistakes among civil libertarians?

Instead of assailing Halperin, who should be permanently donning sackcloth and ashes for his abysmal record on defense and foreign policy issues, the alliance has decided to train its guns on former Reagan defense official Frank Gaffney of the Center for Security Policy. Gaffney's crime? He has effectively disseminated factual information about Halperin that should move every normal, red-blooded senator—Democrat or Republican—to veto his nomination.

Gaffney's research on Halperin, contained in a 36-page notebook circulated to both staffers and U.S. senators, is impeccable and can't be refuted. He's let Halperin hang himself by simply publishing lengthy, in-context Halperin quotations ranging from his positions on the Soviet threat to U.S. intelligence operations. Using a wealth of reputable material, including congressional hearings, the Gaffney document also convincingly rebuts efforts by Halperin's defenders to perfume his past and portray him today as a hard-nosed defense specialist whose actions are tempered by deeply held civil libertarian instincts.

Halperin's most remarkable apologist is the Journal's Paul Gigot, viewed by many as a stout conservative. But even Gigot admits that Halperin turned "wildly naive" on most issues of the Cold War, especially in "perceiving a 'defensive' Soviet Union."

Gigot, however, is altogether forgiving, while chastising conservatives for allegedly stretching the truth about Halperin and engaging in "reverse 'Borking.'" "Republicans and especially conservatives * * *," he writes in a reproving tone, "may want to ask if being wrong about the Soviet Union and Vietnam is a lifetime disqualification for public office * * *."

When you're talking about a national security job, Paul, that sounds good to us. Why in blazes shouldn't it count as a lifetime disqualification to be wholly, irresponsibly wrong on the most serious threat ever to this country's survival?

Halperin's Cold War performance, we would suggest, is not precisely the job resume expected for an assistant secretary of defense. And if we accept Halperin today, why not Jane Fonda or William Kunstler tomorrow?

Many Human Events readers may have come to know more about Halperin than they care to in the last few weeks, but for those who may have come in late—and for those senators who may be on the fence—we'd like to recapitulate just a small number of his most outrageous activities and associations:

Josh Muravchik, a neo-conservative who is opposed to Halperin, made this point in the August 1993 issue of *Commentary*. Morton Halperin, he noted, has been "a veteran battler for causes that ranged from liberal to hard-left. From the mid-1970s until the mid-1980s, for example, Halperin served as the director of the Center for National Security Studies, a spin-off of the radical Institute for Policy Studies (IPS).

"He also served as chairman of the Campaign to Stop Government Spying, an anti-intelligence coalition numbering among its member organizations the Black Panther Party, the Committee for Justice for Huey P. Newton, the National Committee to Reopen the Rosenberg Case, Women Strike for Peace, the National Lawyers Guild, the National Emergency Civil Liberties Committee and sundry other hard-left groups."

National security expert Francis J. McNamara, whose writings on Halperin have appeared in *Human Events*, stresses that Halperin's philosophy during the Cold War boiled down to the following. He would "strip the intelligence agencies of the weapons which the courts, Congress and the executive have found to be essential to the achievement of their mission—secrecy."

"He would make public their budgets, ties with academics and other sources, control of proprietaries, etc. He would go so far as to compel disclosure not only of diplomatic negotiations, but all research on new weapons systems * * * and would even oppose CIA

covert action taken to prevent Libyan dictator Muammar Qaddafi from sneaking nuclear weapons into New York harbor. All covert action by the CIA and other agencies would be brought to a halt.

"The FBI, if Halperin had his way, would not be allowed to investigate anything but crime. All domestic intelligence collection would cease—by law. All wiretapping, too, would be brought to a halt, even that used to catch spies and learn the intentions, plans and plots of nations hostile to this country."

Halperin testified on behalf of David Truong, an anti-Vietnam War activist, who, along with Roland Humphrey, a USIA officer, was convicted of espionage in January 1978. They were charged with taking classified documents from the USIA, then turning them over to Communist Vietnamese officials.

Halperin made light of the documents that had been admittedly purloined, but the prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security.

State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Truong and Humphrey, who eventually were sentenced to prison for 15 years.

And there's this interesting footnote (see Human Events, September 4 issue, page 5): Truong, free on bail in February 1979, pending the outcome of his appeal, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted Truong.

Halperin was, indeed a strenuous defender of CIA renegade Philip Agee. Extraordinarily, however, Halperin's defenders are in a state of denial.

"Another charge that slides into distortion," says the Journal's Gligot, echoing Halperin's left-wing boosters, is that "Mr. Halperin 'aided and abetted' Philip Agee, a genuine scoundrel who leaked names of CIA agents in the 1970s. It's true Mr. Halperin showed bad judgment in testifying in Britain that more evidence should be heard before Agee was deported (which he was anyway). But his error seems rooted in the libertarian zealot's mistrust of all secrecy. He has always said that leaking agent's names is wrong * * *."

The "slide into distortion," however, is Gligot's. First off, we can only wonder why Gligot would suggest that a "libertarian zealot" be allowed a high position in the Pentagon where he would have access to our most precious secrets. Surely, this is akin to putting the family drunk in charge of the liquor cabinet.

More to the point, Halperin may have always said that leaking agents' names is wrong, but he still did his damndest to praise and protect Agee in his zealous efforts to leak the names of agents.

Halperin traveled 5,000 miles to London in 1977 to assist Agee in his anti-deportation hearings, even though Agee had already become a notorious leaker of CIA names and had informed Esquire a year earlier that "I aspire to be a Communist and a revolutionary."

In September 1975, in his publication *First Principles*, Halperin also lavished praise on Agee's book *Inside the Company: CIA Diary* for having supposedly exposed how the CIA

operates in Third World countries. Most curious, in view of Halperin's insistence that he never favored the leaking of names, is that he never mentions—and certainly fails to condemn—the fact that the book he heartily endorses reveals the names and identities of over 700 people in all parts of the world Agee claims were officers, agents and co-operators with the CIA.

"CIA News Management," a column by the nominee, was published with Halperin's permission in Agee's 1978 book, *Dirty Work*. Publisher Lyle Stuart proclaimed in a newspaper ad for the book that it contained "a list of more than 700 CIA agents currently working in Western Europe. It completely blows their cover."

Stuart added: "But *Dirty Work* is more than that. A comprehensive picture of the CIA emerges in *Dirty Work*. [Two other contributors] * * * and Morton H. Halperin have all shown considerable courage in informing America about the seamy side of American espionage * * *"

And this only touches on Halperin's defense of Agee and his activities. Gaffney, in short, is right on the money when he charges Halperin with "aiding and abetting" Agee with his campaign to expose the identities of CIA agents overseas.

Morton Halperin, in truth, is a dangerous choice to handle America's defenses or to be anywhere near top-secret materials. His notoriously poor judgment in the past gives every senator, Democrat or Republican, liberal or conservative, ample justification to vote against his nomination. The American grass roots should bombard their senators in opposition.

[From Human Events, Sept. 25, 1993]

WILL COLBY TESTIFY IN FAVOR?—ARMED SERVICES POISED FOR HALPERIN NOMINATION

Morton Halperin, President Clinton's selection for the newly created post of assistant secretary of defense for democratization and peacekeeping, is hoping to round up heavyweight support for his controversial nomination.

Indeed, Scott Cohen, a former CIA official who served as a key aide to ex-Illinois Sen. Charles Percy (R.), who chaired the Foreign Relations Committee in 1981, has come to Halperin's assistance. He's telling Armed Services Committee staffers that, while he didn't always agree with Halperin, he viewed him as an "honest civil libertarian."

He has also left the impression with staffers that former CIA directors William Colby and Stansfield Turner would be willing to testify on behalf of the former ACLU official. (Cohen informed us that, while he had not been personally in contact with Colby, for instance, he had heard that he would be willing to testify in Halperin's favor.)

Should Colby, Turner and, perhaps, other ex-CIA officials go to bat for Halperin, this would be ironic in the extreme, since, as Human Events has documented in detail Halperin has waged a sustained campaign to cripple the CIA's effectiveness.

Republicans on the Senate Armed Services Committee, save for William Cohen (Maine), are, however, said to be still united in their opposition to Halperin, no matter what Colby or Turner or other important members of the national security community decide to do. Among those who are thought eager to confront Halperin over his past are GOP Senators Strom Thurmond (S.C.), ranking Republican on Armed Services, Trent Lott (Miss.), Lauch Faircloth (N.C.) and Dan Coats (Ind.).

Halperin, these Republicans and their staffers believe, is afflicted with dozens of

important vulnerabilities, including his penchant for supporting unsavory characters who were eager during the Cold War to assist America's Communist foes.

Not widely known, for instance, is that Halperin came to the assistance of David Truong, an anti-Vietnam War activist who, along with Roland Humphrey, a USIA officer, was indicted for espionage in January 1978. The indictment charged that Humphrey had taken classified documents from the USIA, then turned them over to Truong, who, through couriers, delivered them to Communist Vietnamese officials. (See Francis McNamara article in Human Events, Dec. 29, 1984, page 10.)

Both Truong and Humphrey acknowledged they had turned over the purloined documents to Vietnamese agents in France, but they maintained they were not guilty of espionage because the papers they transmitted were not harmful to U.S. security. The ever helpful Halperin, a witness for their defense, expressed doubt that some of the papers had been properly classified and cavalierly dismissed the others as not being related to national defense.

The prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security. State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Humphrey and Truong.

Despite Halperin's vigorous effort to get them off the hook, both men were convicted and began serving their 15-year prison terms in January 1982 after an appeals court had upheld their convictions and the Supreme Court refused to review its decision.

There's an interesting footnote to the case. Truong, free on bail in February 1979, pending the outcome of his appeal, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted spy.

In 1971, Daniel Ellsberg and Anthony Russo, both former employees of the Defense Department and its allied think tank, the Rand Corp., admitted they had unlawfully copied a two-and-a-half-million-word "Top Secret-Sensitive" report on the U.S. role in Vietnam and leaked it to the New York Times and other newspapers. Ellsberg and Russo were indicted on charges of espionage, theft of government property and conspiracy.

Swiftly coming to their assistance was a team of some 35 people, headed by the ubiquitous Halperin. As in the Truong case, Halperin testified that the "Pentagon Papers," as they had become known, would be of little value to the enemy, although this was contradicted by numerous military and diplomatic authorities. (Gen. Lyman Lemnitzer, chairman of the Joint Chiefs of Staff during our early involvement in Vietnam and later supreme commander of NATO, tagged the leak "a traitorous act.")

Equally interesting, however, was Halperin's testimony that the "Papers" were really personal papers belonging to those who had compiled them when they were in the Pentagon: Halperin himself, Leslie Gelb and Assistant Secretary of Defense Paul Warnke. They were not government documents, he said.

It was routine, he went on, for officials in his position at the time, to take their personal papers with them when they left office

and that this was not considered theft or a violation of security regulations.

This was a mind-boggling claim by Halperin, especially since the prosecution had discovered that Halperin, in an affidavit he signed when he joined the Defense Department, had promised to return all classified documents. Moreover, Gelb himself contradicted Halperin, telling reporters that he considered the study "government property," not personal papers that could be distributed to the public at whim.

What this incident underscores, of course, is Halperin's virtual disregard for classified materials.

Halperin's biggest Achilles' heel, as viewed by many on Armed Services, has been his support of Philip Agee, the pro-Communist CIA turncoat, who deliberately exposed CIA officials, even when his actions jeopardized these officials' lives.

Three of Halperin's defenders—including liberal defense specialist Alton Frye, Bush's under secretary of state for political affairs, Arnold Kanter and Federation of American Scientists President Jeremy Stone—have sent a four-page letter to committee members allying for Halperin. Halperin's "only assistance" to Agee, they write, was "to testify at a British deportation hearing in which he urged that the British national security service provide a valid reason for his deportation as required by law."

"Upholding due process for a then ACLU official," the letter goes on, "is not 'aiding and abetting' criminals any more than it would be the crime of 'aiding and abetting' for a lawyer to help a client."

That alibi, however, is not likely to assuage GOP committee members since Halperin has a history of being in Agee's corner. Not only did he travel to England to defend Agee—no small thing, even for an ACLU official—but he constantly defended Agee and his efforts to expose CIA officials and those who cooperated with them.

Halperin favorably reviewed Agee's first book, *Inside the Company: A CIA diary*, in 1975, even though Agee thanked the Cuban Communist party for the help it had given him in writing the book, which listed over 700 people in all parts of the world who Agee claimed were CIA officers, agents or cooperators.

In testimony before the House Intelligence Committee in 1978, Halperin assailed the CIA for launching a "disinformation" campaign against Agee and the publication he was associated with CounterSpy, whose listing of the CIA station chief in Athens, according to the CIA's William Colby himself, led to that agent's assassination.

There is a ton of other documents that Halperin's opponents on Armed Services can use against him, as Human Events readers are by now aware, but the bottom line remains: Do the Republicans have the will not only to oppose him, but to go all out for a kill?

A CHRONOLOGY OF RELEVANT ASPECTS OF MORTON HALPERIN'S CAREER

Present: On 31 March 1993, the White House announced the President's intention to nominate Halperin to the newly created position of Assistant Secretary of Defense for Democracy and Human Rights. Since that time, he has been working in the Pentagon nominally as a consultant but on an essentially full time basis and in a manner that appears to exceed congressional and departmental restrictions on the involvement of nominees in policy-making prior to their confirmation.

Halperin is formally still listed as a Senior Associate of the Carnegie Endowment for International Peace and the Baker Professor at George Washington University's Elliott School of International Affairs.

1984-1992: Director of the Center for National Security Studies (CNSS), originally an offshoot of the hard left-wing Institute for Policy Studies (IPS). Halperin was also the director of the Washington Office of the American Civil Liberties Union (ACLU), with responsibility for the national legislative program of the ACLU.

1977: One of the founders and the director of the Campaign to Stop Government Spying, which changed its name the following year to the more benign Campaign for Political Rights. Like CNSS, the Campaign was populated with personnel associated with the Institute for Policy Studies and dozens of other dubious organizations (e.g., the National Committee Against Repressive Legislation, reportedly a Communist Party front).

Also in 1977, while serving as the deputy director of the Center for National Security Studies, Halperin went to London to help in the defense of Philip Agee. At the time, Agee was in the process of being deported from Great Britain as a security risk for collaborating with Cuban and Soviet intelligence.

1969-1973: Senior Fellow associated with the Foreign Policy Division of the Brookings Institution.

1969: Member of senior staff of the National Security Council during the Nixon Administration with responsibility for program analysis and planning. During this period, the information concerning secret U.S. bombings of targets in Cambodia was leaked to the New York Times. Then NSC Advisor suspected Halperin and colleague Anthony Lake of the leak and authorized FBI wiretaps on their office and home phones.

1966-1969: Deputy Assistant Secretary of Defense for International Security Affairs, with responsibility for political-military planning and arms control.

THE "HALPERIN SYNDROME": CLINTON AP-POINTEES' ANTIPATHY TO CIA, MILITARY SETS STAGE FOR DEBACLES IN HAITI, BEYOND

WASHINGTON, D.C.—The world is now being treated to the spectacle of a U.S. president determinedly pursuing a policy toward Haiti predicated upon a man whom the American intelligence community believes to be a psychotic manic depressive and involving a use of the armed forces opposed by senior military commanders. Unfortunately, the bizarre overinvestment by the Clinton Administration in Jean-Bertrand Aristide is not an isolated incident. Rather, it seems the product of a dangerous predisposition shared by many of Mr. Clinton's senior security policy advisors, and perhaps by the President himself.

While much of the focus to date has been on a dubious commitment to multilateralism that is rife in the senior echelons of the Clinton Administration, another—arguably more insidious—mindset appears to be at work: a deep-seated mistrust of, if not outright contempt for, the Central Intelligence Agency, its sister organizations and the American military. Unless there are wholesale changes in the Administration's foreign and defense policy team, it is predictable that such a predisposition will produce even more serious and expensive debacles for the United States than that entailed in trying to restore Jean-Bertrand Aristide to power and to assure his survival once there.

THE HALPERIN SYNDROME

For want of a better term, this mindset might be called the "Halperin syndrome"

since Morton Halperin, Mr. Clinton's nominee to become the top Pentagon policymaker responsible for democracy-building and peacekeeping in places like Somalia and Haiti, epitomizes the phenomenon. In over two decades of public advocacy and agitation prior to beginning work on the Clinton Defense transition team in 1992, Halperin repeatedly and unambiguously made clear his low regard for what he has called the "massive undemocratic national security structure [that] was erected during the Cold War."

In particular, Halperin has consistently excoriated the U.S. intelligence community. To cite but a few illustrative examples from Halperin's copious writings, public statements and congressional testimony on the subject:

"Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society." (*The Lawless State: The Crimes of the U.S. Intelligence Agencies*, 1976)

"You can never preclude abuses by intelligence agencies and, therefore, that is a risk that you run if you decide to have intelligence agencies. I think there is a very real tension between a clandestine intelligence agency and a free society. I think we accepted it for the first time during the Cold War period and I think in light of the end of the Cold War we need to assess a variety of things at home, including secret intelligence agencies, and make sure that we end the Cold War at home as we end it abroad." (*MacNeil/Lehrer Newshour*, July 23, 1991)

Halperin concluded a favorable review of CIA turncoat Philip Agee's book *"Inside the Company: CIA Diary"* by pronouncing: "The only way to stop all of this is to dissolve the CIA covert career service and to bar the CIA from at least developing any allied nations." (*Center for National Security Studies newsletter "First Principles,"* September 1975)

HALPERIN AS POLICYMAKER

Even though Morton Halperin has yet to be confirmed as the Assistant Secretary of Defense for Democracy and Peacekeeping, he has been one of the principal authors of the Clinton policy toward Haiti. It is hardly surprising that a man with such a low opinion of the U.S. intelligence community would be inclined to give short shrift to warning signs produced by that community.

What is more, Halperin has recently been implicated in two decisions that suggest an equally cavalier attitude toward the American military. Notwithstanding formal denials by Secretary of Defense Les Aspin, there are persistent reports that Halperin contributed to the decision not to approve the repeated requests for additional armor to support U.S. armed forces deployed in Somalia on the grounds that doing so would not square with the Administration's political agenda. This decision contributed to the loss of 18 American servicemen in Mogadishu on 3 October.

While Halperin's exact pre-confirmation role in that tragic episode remains a matter of dispute, his reported involvement in the Somalia decision is of a piece with another confirmed instance of subordinating military requirements to a perceived political agenda: According to yesterday's *Washington Times*, Halperin has acknowledged asking that a

joint U.S.-Guatemalan exercise be terminated prematurely to protest the alleged involvement of Guatemala's military in the escape of an individual convicted of killing an American. This direction was, properly, ignored by the U.S. military as it came outside of the normal chain of command and from someone who—by virtue of being only a consultant—had no authority to issue such guidance.

THE HALPERIN SYNDROME AND CLINTON POLICY TOWARD HAITI

Morton Halperin's disdainful attitude toward the U.S. intelligence community and the American military appears to be shared by other Administration officials, as well. At the very least, such widely shared sentiments seem to be driving factors regarding the Clinton policy toward Haiti.

As President Clinton, himself, put it on 22 October: "The CIA would be the first to tell you that they get a lot of information. It's not always accurate. It's not always determinable." The unsaid implication of this statement: In the case of the intelligence community's assessment of Jean-Bertrand Aristide, its information is simply inaccurate.

And yet, the information being thus discounted is compelling. According to press accounts of the congressional briefings presented in recent days by a 30-year veteran of the Central Intelligence Agency (who has served for the past three years as its senior national intelligence officer for Latin America), Aristide takes medicine to treat "psychotic manic depression" which can have such symptoms as suicidal tendencies, delusions of persecution and hallucinations. The briefing also confirmed reports that while president of Haiti, Aristide encouraged the "necklacing" of his political opponents, the practice of lighting gasoline-laden tires placed around the victim's neck. Aristide said of necklacing:

"What a beautiful tool, what a beautiful instrument, what a beautiful device, it's beautiful, yes, it's beautiful, it's cute, it's pretty, it has a good smell. Wherever you go you want to inhale it."¹

Importantly, according to the 24 October edition of the Washington Post, the briefing represented "the consensus judgment of the entire spy community, including the Intelligence and Research branch of the State Department." On Thursday, CIA Director James Woolsey endorsed the conclusions of the briefing before members of the House and Senate Intelligence committees.

Speaking on ABC-TV's "This Week" on Sunday, Senate Minority Leader Robert Dole said that the CIA briefing unearthed "very disturbing" information about Aristide's mental stability, his treatment of political opponents and his "commitment to democracy." Sen. Dole averred that, in light of what he had heard, he "certainly wouldn't risk one American life to put him back in power."

DON'T BOTHER ME WITH THE FACTS

Two particularly noteworthy manifestations of the Halperin syndrome have recently been reported. According to the 25 October edition of U.S. News and World Report, Phil Peters, a spokesman for the State Department's Bureau of Inter-American Affairs, called the CIA accusations about Aristide's mental health part of "a full-scale attack on the President's policy." According to Peters,

¹Incredibly, some of Aristide's defenders contend that his statement was actually made in reference to the Haitian constitution adopted during his brief presidency.

the Pentagon (i.e., the uniformed military—as opposed to Halperin and the civilian leadership) and other agencies "don't think it is worth doing anything to reinstate Aristide, despite the fact that President Clinton decided on that course."

Meanwhile, syndicated columnists Rowland Evans and Robert Novak reported yesterday that Deputy National Security Adviser Sandy Berger angrily ordered the Pentagon to proceed to deploy the USS Harlan County to Haiti three weeks ago over the objections of senior military commanders who were recommending a postponement of its embarkation. Berger is said to have overruled the military—setting the stage for the ensuing embarrassing withdrawal of the vessel in the face of a small number of armed protesters—on the grounds that "We committed ourselves publicly in the campaign, and we're going to do it."

IF MICHAEL BARNES SAYS IT'S SO

Such is the influence of the Halperin syndrome that Clinton Administration officials who exhibit its symptoms are prepared to rely upon the self-serving judgments of *interested parties*—rather than the findings of U.S. intelligence. As President Clinton himself put it on 22 October: "No one knows whether [the CIA's allegations about President Aristide's mental illness] were true or not" but that the "sustained experience" of U.S. advisers working with Mr. Aristide "tended to undermine those reports."

One of those advisers upon whom the President and his staff are apparently relying is the former chairman of the House Foreign Affairs Subcommittee on Western Hemisphere Affairs, Michael Barnes. Rep. Barnes has recently been playing a highly visible role as a witness to President Aristide's mental fitness. He has gone so far as to claim that Mr. Aristide "has not suffered from nor been treated for any mental problems." Rep. Barnes may have at least as compelling—and certainly a far more tangible—stake than Mr. Clinton in arriving at such a conclusion, however: He is reportedly receiving \$50,000 per month to serve as counsel for President Aristide.

THE BOTTOM LINE

What has become evident in both the Somalia and Haiti debacles is that the Clinton Administration is prepared to discount the advice of the U.S. intelligence community and the military, a *modus operandi* that has already had tragically fatal consequences in the first case and humiliating effects in the second. Unless a thorough housecleaning of those prone to such attitudes is accomplished at once, it seems inevitable that additional—and probably more serious—disasters lie ahead.

This is not to say that the intelligence community is infallible or that civilian control of the military should not be exercised. It is, however, to say that the nation is poorly served by an Administration staffed in key positions by those who have an ill-concealed, visceral and apparently immutable distrust of the U.S. intelligence agencies and the armed forces as institutions and of their activities. Such individuals are unlikely to be able either to utilize the products of intelligence properly or to exercise the kind of *effective* civilian control of the military that is clearly required.

The Center for Security Policy believes, in addition, that an urgent effort should be made to declassify—and present publicly—the CIA analysis of Jean-Bertrand Aristide's mental health and his record with regard to democracy during his brief presidency. The

fullest possible transparency is in order before the American people are asked to entrust additional American lives, treasure and prestige to policy-makers who have already demonstrated proclivities that could result in a further squandering of these precious assets.

NOTABLE HALPERIN QUOTES ON SELECTED TOPICS

On the Fundamental Nature of the Cold War:

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe ***. The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one. The positioning of Soviet ground forces in Eastern Europe and the limited logistical capability of these forces suggests an orientation primarily toward defense against a Western attack." (Defense Strategies for the Seventies, 1971)

"*** Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government and have remained only at their request ***. The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union." ("American Military Intervention: Is It Ever Justified?", The Nation, June 9, 1979)

On U.S. International Commitments:

"One of the great disappointments of the Carter Administration is that it has failed to give any systematic reconsideration to the security commitments of the United States. [For example, President Carter's] decision to withdraw [U.S. ground forces from Korea] was accompanied by a commitment to keep air and naval units in and around Korea—a strong reaffirmation by the United States of its security commitment to Korea. This action prevented a careful consideration of whether the United States wished to remain committed to the security of Korea ***. Even if a commitment is maintained, a request for American military intervention should not be routinely honored." (The Nation, June 9, 1979)

On The Use of U.S. Military Power Abroad:

"All of the genuine security needs of the United States can be met by a simple rule which permits us to intervene [only] when invited to do so by a foreign government ***. The principle of proportion would require the American intervention be *no greater than the intervention by other outside powers* in the local conflict. We should not assume that once we intervene we are free to commit whatever destruction is necessary in order to secure our objectives." (The Nation, June 9, 1979)

On the U.S. Defense Establishment:

Referring to the Reagan defense buildup: "Are we now buying the forces to meet the real threats to our security? Unfortunately, there is little reason to be confident that we are." (New York Times, June 7, 1981)

"In the name of protecting liberty from communism, a massive *undemocratic* national security structure was erected during the Cold War, which continues to exist even though the Cold War is over. Now, with the Gulf War having commenced, we are seeing further unjustified limitations of constitutional rights using the powers granted to the

executive branch during the Cold War." (United Press International, January 28, 1991)

On the U.S. Intelligence Establishment:

"Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society." (The Lawless State; The Crimes of the U.S. Intelligence Agencies, 1976)

"You can never preclude abuses by intelligence agencies and, therefore, that is a risk that you run if you decide to have intelligence agencies. I think there is a very real tension between a clandestine intelligence agency and a free society. I think we accepted it for the first time during the Cold War period and I think in light of the end of the Cold War we need to assess a variety of things at home, including secret intelligence agencies, and make sure that we end the Cold War at home as we end it abroad." (MacNeil/Lehrer Newshour, July 23, 1991)

"Generally, secrecy has been used more to disguise government policy from American citizens than to protect information from the prying eyes of the KGB * * *. U.S. government officials admit that experts in the Soviet Union know more about American policies abroad than American citizens do." (The Lawless State)

"* * * The intelligence [service's] * * * monastic training prepared officials not for saintliness, but for crime, for acts transgressing the limits of accepted law and morality * * *. The abuses of the intelligence agencies are one of the symptoms of the amassing of power in the postwar presidency; the only way to safeguard against future crimes is to alter the balance of power * * *."

"Clandestine government means that Americans give up something for nothing—they give up their right to participation in the political process and to informed consent in exchange for grave assaults on basic rights and a long record of serious policy failures abroad." (The Lawless State)

"Secrecy * * * does not serve national security * * *. Covert operations are incompatible with constitutional government and should be abolished." ("Just Say No: The Case Against Covert Action," The Nation, March 21, 1987)

"The primary function of the [intelligence] agencies is to undertake disreputable activities that presidents do not wish to reveal to the public or expose to congressional debate." (The Lawless State)

"CIA defenders offer us the specter of Soviet power, the KGB, and the Chinese hordes. What they fail to mention is more significant: they have never been able successfully to use espionage or covert action techniques against the USSR or China, which are the only two nations that could conceivably threaten the United States * * *. The 'successes' of covert action and espionage, of which the CIA is so proud, have taken place in countries that are no threat to the security of the United States." (The Lawless State)

"Spies and covert action are counter-productive as tools in international relations. The costs are too high; the returns too meager. Covert action and spies should be banned and the CIA's Clandestine Services Branch disbanded." (The Lawless State)

On Behalf of Extreme Interpretations of the First Amendment:

"Under the First Amendment, Americans have every right to seek to 'impede or impair' the functions of any federal agency, whether it is the FTC or the CIA, by publishing information acquired from unclassified sources." ("The CIA's Distemper: How Can We Unleash the Agency When It Hasn't Yet Been Leashed?", The New Republic, February 9, 1980)

"Lawful dissent and opposition to a government should not call down upon an individual any surveillance at all and certainly not surveillance as intrusive as a wiretap." ("National Security and Civil Liberties," Foreign Policy, Winter 1975-76)

In opposition to draft legislation setting heavy criminal penalties for Americans who deliberately identify undercover U.S. intelligence agents: "[Such legislation] will chill public debate on important intelligence issues and is unconstitutional * * *. What we have is a bill which is merely symbolic in its protection of agents but which does violence to the principles of the First Amendment." (UPI, April 8, 1981)

In criticizing scientists who "refused to help the lawyers representing The Progressive and its editors" in fighting government efforts to halt the magazine's publication of detailed information about the design and manufacturing of nuclear weapons: "They failed to understand that the question of whether publishing the 'secret of the H-bomb' would help or hinder non-proliferation efforts was beside the point. The real question was whether the government had the right to decide what information should be published. If the government could stop publication of [this] article, it could, in theory, prevent publication of any other material that it though would stimulate proliferation." ("Secrecy and National Security," The Bulletin of the Atomic Scientists, August 1985)

In response to government attempts to close down the Washington offices of the PLO: "It is clearly a violation of the rights of free speech and association to bar American citizens from acting as agents seeking to advance the political ideology of any organization, even if that organization is based abroad. *Notwithstanding criminal acts in which the PLO may have been involved*, a ban on advocacy of all components of the PLO's efforts will not withstand constitutional scrutiny." (The Nation, October 10, 1987)

In arguing that the random use of polygraph tests to find spies was unconstitutional: "Congress should strip these measures from the bill and start attacking the genuine problems, such as over-classification of information." (Associated Press, July 8, 1985)

On U.S. Aid to Foreign Pro-Democratic Movements:

Regarding President Reagan's veto of a bill tying U.S. military aid to El Salvador to improved human rights, "[This action] makes clear that the administration has reconciled itself to *unqualified support* for those engaged in the systematic practice of political murder." (Washington Post, December 1, 1983)

Halperin called U.S. aid to the pro-democracy Contra rebels "ineffective and immoral." (Associated Press, October 2, 1983)

On Nuclear Strategy and Arms Control:

As reported by the New York Times on November 23, 1983: "Mr. Halperin said the most important contribution American officials could make to stability would be to renounce the notion that nuclear weapons can be used for any other purpose than to deter nuclear attack." He also argued that the United States should abandon plans to at-

tack Soviet missile silos in responding to a nuclear attack. For one thing, he said, the missiles would probably have already been fired. Also, he said, a high degree of accuracy would be required."

As reported by the Chicago Tribune on December 11, 1987: "Halperin explained the NATO deterrent strategy known as coupling, whereby a Soviet conventional attack in Europe would be met with Allied tactical, and if the Soviets persisted, strategic nuclear weapons, in this way: 'First, we fight conventionally until we're losing. Then we fight with tactical nuclear weapons until we're losing; then we blow up the world.'"

Referring to the Nuclear Freeze proposal: "Sounds like good arms control to me." (Bulletin of the Atomic Scientists, March 1983)

On Classification of Sensitive Information: "While the most flagrant abuses of the rights of Americans associated with the Cold War are thankfully gone from the scene, we have been left behind with a legacy of secrecy that continues to undermine democratic principles." (Boston Globe, July 26, 1992)

Halperin called the government's prosecution of Samuel Loring Morrison, who was convicted of disclosing classified satellite photos of a Soviet aircraft carrier under construction "an extraordinary threat to the First Amendment." (Washington Post, October 8, 1985)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia, [Ms. NORTON] is recognized for 60 minutes.

[Ms. NORTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 60 minutes.

[Mr. BOEHNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

H.R. 3450, THE NORTH AMERICAN FREE-TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, at the request of the administration, it is my honor to introduce, by request, H.R. 3450, the implementing bill for the North American Free-Trade Agreement, which was submitted to the House of Representatives and the Senate earlier today by President Clinton.

This implementing bill and the statement of administrative action accompanying it are the product of an extensive process of consultations in recent months between the Congress and the administration. This process has resulted, to the maximum extent possible, in an implementing package that reflects congressional intent and addresses congressional concerns. It is important to keep this in mind as Congress considers this implementing bill in the coming days under the fast-track procedures of the Trade Act of 1974.

As President Clinton has frequently noted and stressed again at the White House yesterday morning, NAFTA is in the best interests of the United States. It is part of a forward-looking economic strategy that will create high-wage U.S. jobs, boost U.S. economic growth and expand the base from which U.S. firms and workers can compete in a dynamic global economy.

The debate over NAFTA in the past few months has been intense. I fully expect, and indeed hope, that such intense debate will continue because the only logical conclusion that can be drawn from such debate is that NAFTA is in the national interest and should be approved by Congress.

As I have studied the issues surrounding NAFTA, I have learned a number of very positive things about NAFTA, but most importantly:

NAFTA is not a zero-sum game where one country gains and another loses. NAFTA will result in increased economic growth and increased employment in all three NAFTA countries, including the United States.

NAFTA will level the playing field for United States exporters in Mexico, leading to greater exports and a favorable balance of trade for years to come.

NAFTA, by opening the Mexican market to the export of United States goods and services, will discourage United States firms from moving jobs south to supply the Mexican market.

While Americans already compete successfully in global markets, NAFTA will make us more competitive with Asia and Europe than we would be alone.

When the House votes on NAFTA in the near future, it will be an historic vote. The House will not only be voting on a trade agreement, it will be voting on whether we as a nation should embrace the future or cling to the past. I firmly believe in President Clinton's vision of the future and intend to vote in favor of NAFTA.

LEGISLATION FOR IMPLEMENTATION OF NAFTA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-159)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Public Works and Transportation, and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today legislation to implement the North American Free Trade Agreement, an agreement vital to the national interest and to our ability to compete in the global economy. I also am transmitting a number of related documents required for the implementation of NAFTA.

For decades, the United States has enjoyed a bipartisan consensus on behalf of a free and open trading system. Administrations of both parties have negotiated, and Congresses have approved, agreements that lower tariffs and expand opportunities for American workers and American firms to export their products overseas. The result has been bigger profits and more jobs here at home.

Our commitment to more free and more fair world trade has encouraged democracy and human rights in nations that trade with us. With the end of the Cold War, and the growing significance of the global economy, trade agreements that lower barriers to American exports rise in importance.

The North American Free Trade Agreement is the first trade expansion measure of this new era, and it is in the national interest that the Congress vote its approval.

Not only will passage of NAFTA reduce tariff barriers to American goods, but it also will operate in an unprecedented manner—to improve environmental conditions on the shared border between the United States and Mexico, to raise the wages and living standards of Mexican workers, and to protect our workers from the effects if unexpected surges in Mexican imports into the United States.

This pro-growth, pro-jobs, pro-exports agreement—if adopted by the Congress—will vastly improve the status quo with regard to trade, the environment, labor rights, and the creation and protection of American jobs.

Without NAFTA, American business will continue to face high tariff rates and restrictive nontariff barriers that inhibit their ability to export to Mexico. Without NAFTA, incentives will continue to encourage American firms to relocate their operations and take American jobs to Mexico. Without NAFTA, we face continued degradation of the natural environment with no strategy for clean-up. Most of all, with-

out NAFTA, Mexico will have every incentive to make arrangements with Europe and Japan that operate to our disadvantage.

Today, Mexican tariffs are two and a half times greater than U.S. tariffs. This agreement will create the world's largest tariff-free zone, from the Canadian Arctic to the Mexican tropics—more than 370 million consumers and over \$6.5 trillion of production, led by the United States. As tariff walls come down and exports go up, the United States will create 200,000 new jobs by 1995. American goods will enter this market at lower tariff rates than goods made by our competitors.

Mexico is a rapidly growing country with a rapidly expanding middle class and a large pent-up demand for goods—especially American goods. Key U.S. companies are poised to take advantage of this market of 90 million people. NAFTA ensures that Mexico's reforms will take root, and then flower.

Moreover, NAFTA is a critical step toward building a new post-Cold War community of free markets and free nations throughout the Western Hemisphere. Our neighbors—not just in Mexico but throughout Latin America—are waiting to see whether the United States will lead the way toward a more open, hopeful, and prosperous future or will instead hunker down behind protective, but self-defeating walls. This Nation—and this Congress—has never turned away from the challenge of international leadership. This is no time to start.

The North American Free Trade Agreement is accompanied by supplemental agreements, which will help ensure that increased trade does not come at the cost of our workers or the border environment. Never before has a trade agreement provided for such comprehensive arrangements to raise the living standards of workers or to improve the environmental quality of an entire region. This makes NAFTA not only a stimulus for economic growth, but a force for social good.

Finally, NAFTA will also provide strong incentives for cooperation on illegal immigration and drug interdiction.

The implementing legislation for NAFTA I forward to the Congress today completes a process that has been accomplished in the best spirit of bipartisan teamwork. NAFTA was negotiated by two Presidents of both parties and is supported by all living former Presidents of the United States as well as by distinguished Americans from many walks of life—government, civil rights, and business.

They recognize what trade expanding agreements have meant for America's economic greatness in the past, and what this agreement will mean for America's economic and international leadership in the years to come. The North American Free Trade Agreement

is an essential part of the economic strategy of this country: expanding markets abroad and providing a level playing field for American workers to compete and win in the global economy.

America is a Nation built on hope and renewal. If the Congress honors this tradition and approves this agreement, it will help lead our country into the new era of prosperity and leadership that awaits us.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 3, 1993.

TRANSFERRAL OF DOCUMENTS RELATING TO NAFTA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-160)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Public Works and Transportation, and ordered to be printed:

To the Congress of the United States:

By separate message, I have transmitted to the Congress a bill to approve and implement the North American Free Trade Agreement (NAFTA). In fulfillment of legal requirements of our trade laws, that message also transmitted a statement of administrative action, the NAFTA itself, and certain supporting information required by law.

Beyond the legally required documents conveyed with that message, I want to provide you with the following important documents:

- The supplemental agreements on labor, the environment, and import surges;
- Agreements concluded with Mexico relating to citrus products and to sugar and sweeteners;
- The border funding agreement with Mexico;
- Letters agreeing to further negotiations to accelerate duty reductions;
- An environmental report on the NAFTA and side agreements;
- A list of more technical letters related to NAFTA that have previously been provided to the Congress and that are already on file with relevant congressional committees.

These additional documents are not subject to formal congressional approval under fast-track procedures. However, the additional agreements

provide significant benefits for the United States that will be obtained only if the Congress approves the NAFTA. In that sense, these additional agreements, as well as the other documents conveyed, warrant the careful consideration of each Member of Congress. The documents I have transmitted in these two messages constitute the entire NAFTA package.

I strongly believe that the NAFTA and the other agreements will mark a significant step forward for our country, our economy, our environment, and our relations with our neighbors on this continent. I urge the Congress to seize this historic opportunity by approving the legislation I have transmitted.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 4, 1993.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MORELLA (at the request of Mr. MICHEL) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 60 minutes each day, on November 8 and 9.

Mr. PORTER, for 5 minutes each day, on November 8, 9, 10, 15, 16, 17, 18, and 19.

Mr. BOEHNER, for 60 minutes each day, on November 19, 20, and 21.

Mr. HORN, for 60 minutes each day, on November 8 and 15.

Mrs. BENTLEY, for 5 minutes today, in lieu of 60 minutes previously requested.

Mr. KINGSTON, for 5 minutes each day, on November 8 and 9.

Mr. BILIRAKIS, for 5 minutes each day, on November 9 and 10.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes each day, on November 4, 5, 8, and 9.

Mr. SCOTT, for 5 minutes, today.

Mr. UNDERWOOD, for 30 minutes each day, on November 4, 5, 16, and 17.

Mr. SANDERS, for 60 minutes each day, on November 17, 20, and 21.

(The following Member (at the request of Mr. TUCKER) to revise and extend his remarks and include extraneous matter:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$2,302.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mrs. FOWLER.

Mr. QUINN.

Mr. DELAY.

Mr. CALLAHAN.

Mr. PACKARD.

Mr. THOMAS of California.

Mr. KYL.

Mr. GOODLING in two instances.

Mrs. BENTLEY.

Mr. GILMAN in four instances.

Mr. PORTER in two instances.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. HOYER.

Mr. MAZZOLI in two instances.

Mr. MANN.

Mr. TOWNS.

Mr. BONIOR.

Mr. KREIDLER.

Mr. GORDON.

Mr. SWETT.

Mr. FINGERHUT.

Mr. KOPETSKI.

Mr. TRAFICANT.

Mr. WILLIAMS.

Mr. BARCA of Wisconsin.

Mr. BARCIA of Michigan.

Mr. POSHARD.

Mr. MENENDEZ.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. DEUTSCH.

Mrs. ROUKEMA.

Mr. DICKS.

Mr. DINGELL.

Mr. FRANKS of New Jersey.

Mr. MARKEY.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1308. An act to protect the free exercise of religion.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, November 8, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2108. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "Retail Food Store Authorization Act of 1993"; to the Committee on Agriculture.

2109. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to the CCNAA for defense articles and services (Transmittal No. 94-08), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2110. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Colombia for defense articles and services (Transmittal No. 94-07), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2111. A letter from the Acting Chairman, U.S. Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the second quarter of calendar year 1993, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Natural Resources.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. S. 836. An act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes (Rept. 103-326). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 983. An act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes (Rept. 103-327). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 293. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994 (Rept. 103-328). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE (for himself, Mr. MINETA, Mr. SHUSTER, Mr. BOEHLERT, Mr. VOLKMER, Mr. DURBIN, Mr. GEPHARDT, Mr. EMERSON, Mr. COSTELLO,

Ms. DANNER, Mr. WHEAT, Mr. SKELTON, Mr. TALENT, Mr. CLAY, Mr. EVANS, Mr. SMITH of Iowa, Mr. LEACH, Mr. LIGHTFOOT, and Mr. NUSSLE);

H.R. 3445. A bill to improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DELAY (for himself, Mr. THOMAS of Wyoming, and Mr. EWING);

H.R. 3446. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. DINGELL (for himself, Mr. MOORHEAD, Mr. MARKEY, and Mr. FIELDS of Texas);

H.R. 3447. A bill to amend the Federal securities laws to equalize the regulatory treatment of participants in the securities industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DIXON;

H.R. 3448. A bill relating to the tariff treatment of hand crafted stone figurines; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. BAKER of Louisiana, Mr. BILBRAY,

Mr. ROHRBACHER, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BOEHNER, Mr. COX, Mr. DOOLITTLE, Mr. DUNCAN, Mr. GOSS, Mr. HOBSON, Ms. ROSELEHTINEN, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. SWIFT, Mrs. VUCANOVICH, Mr. GILCHREST, Mr. LIPINSKI, Mr. MACHTELEY, Mr. LIGHTFOOT, Mr. PAXON, Mr. LEVY, Mr. SCHAEFER, Mr. FROST, Mr. QUINN, Mr. HOEKSTRA, Mr. HANCOCK, and Mr. WALSH);

H.R. 3449. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

Mr. ROSTENKOWSKI (as designee of the majority leader) (for himself and Mr. ARCHER) (as designee of the minority leader) (by request);

H.R. 3450. A bill to implement the North American Free Trade Agreement; jointly, to the following committees for a period ending not later than November 15, 1993: Ways and Means, Agriculture, Banking, Finance and Urban Affairs, Energy and Commerce, Foreign Affairs, Government Operations, Judiciary, and Public Works and Transportation.

By Mr. KLECZKA;

H.R. 3451. A bill to amend the Internal Revenue Code of 1986 to provide a cost-of-living adjustment for the thresholds used in determining the 85 percent inclusion of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. MCCLOSKEY;

H.R. 3452. A bill to provide that service performed in or under any of certain non-appropriated fund instrumentalities of the Government be creditable for purposes of the Federal Employees' Retirement System; to the Committee on Post Office and Civil Service.

By Mr. OWENS;

H.R. 3453. A bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the continuation of the programs of such act; to the Committee on Education and Labor.

By Mr. PORTER;

H.R. 3454. A bill to amend the provisions of title 39, United States Code, to provide that

certain periodical publications shall not be bound publications for mail classification purposes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PORTMAN;

H.R. 3455. A bill to amend title 39, United States Code, to prevent mass mailings from being sent as franked mail, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. SLATTERY (for himself, Mr. MONTGOMERY, Mr. STUMP, Mr. APPLEGATE, Mr. EVERETT, Mr. EVANS, Mr. STEARNS, Mr. KING, Mr. EDWARDS of Texas, Mr. TEJEDA, Ms. WATERS, and Mr. SPENCE);

H.R. 3456. A bill to amend title 38, United States Code, to restore certain benefits eligibility to unmarried surviving spouses of veterans; to the Committee on Veterans' Affairs.

By Mr. SMITH of Michigan (for himself, Mr. ALLARD, Mr. DREIER, Mr. HERGER, Mr. HOEKSTRA, Mr. JACOBS, Mr. KLING, Mr. TRAFICANT, Mr. GINGRICH, Mr. COPPERSMITH, and Mr. TORKILDSEN);

H.R. 3457. A bill to provide that cost-of-living adjustments to payments made under the Federal law shall be determined using a new price index which does not take into account tobacco products; jointly, to the Committees on Ways and Means, Armed Services, Education and Labor, Post Office and Civil Service, and Energy and Commerce.

By Mr. HOLDEN (for himself and Mr. GEKAS);

H.J. Res. 287. Joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak-American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. BARCIA of Michigan (for himself, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. KILDEE, Mr. SKELTON, Mr. STRICKLAND, Mr. TOWNS, and Mr. WYDEN);

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the unique and vital health care services provided by osteopathic physicians must be included in any health care benefits package developed as part of health care system reform; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself, Mr. BACHUS of Alabama, Mr. WALKER, Mr. FISH, and Mr. ARMEY);

H. Con. Res. 174. Concurrent resolution expressing the sense of Congress that entities established under health care reform proposals should not be permitted to form political action committees or make contributions to Federal candidates; to the Committee on House Administration.

By Mr. DEUTSCH (for himself, Mr. BERMAN, Mr. SWETT, Mr. LANTOS, Mr. SAXTON, Mr. ROEMER, Mr. SCHUMER,

Mr. HASTINGS, Ms. CANTWELL, Mr. WYNN, Mr. GEJDENSON, Mr. ENGEL, Mr. LEVY, Ms. SNOWE, Mr. DIAZ-BALART, Mr. FINGERHUT, Ms. ROSELEHTINEN, Ms. MARGOLIES-MEZVINSKY, Mr. TORKILDSEN, Ms. WOOLSEY, Mr. ANDREWS of New Jersey, Mr. ACKERMAN, Mr. JOHNSTON of Florida, and Mr. GILMAN);

H. Con. Res. 175. Concurrent resolution concerning the Arab League boycott of Israel; to the Committee on Foreign Affairs.

By Mr. JOHNSTON of Florida (for himself, Mr. BURTON of Indiana, Mr. PAYNE of New Jersey, Mr. HASTINGS,

Mr. ENGEL, and Mr. FRANK of Massachusetts):

H. Res. 294. Resolution expressing the sense of the House of Representatives with respect to the situation in Burundi; to the Committee on Foreign Affairs.

By Mr. MCCOLLUM:

H. Res. 295. Resolution providing for the consideration of the bill (H.R. 2872) to prevent and punish crime, to strengthen the rights of crime victims, to assist State and local efforts against crime, and for other purposes; to the Committee on Rules.

By Mr. SANTORUM:

H. Res. 296. Resolution requiring each Member of the House of Representatives to hold at least 12 town meetings per year in the district of the Member; to the Committee on House Administration.

H. Res. 297. Resolution providing for greater disclosure of information relating to franked mass mailing and voting records of Members of the House of Representatives; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. OBEY.
H.R. 39: Mr. OWENS, Ms. ROS-LEHTINEN, Ms. FURSE, Mr. FINGERHUT, Mr. FLAKE, Mr. LAZIO, Mrs. MALONEY, and Mr. BONIOR.
H.R. 58: Mr. SWIFT.
H.R. 140: Mr. CALLAHAN, Mr. COOPER, Mrs. LLOYD, Mr. GILCHREST, Mr. WILSON, Mr. SOLOMON, Mr. TORKILDSEN, Mr. BOEHNER, Mr. LIPINSKI, Mr. HUNTER, Mr. MCCANDLESS, Mr. POSHARD, Mr. BAKER of Louisiana, and Mr. BEVILL.
H.R. 408: Mr. HUTTO, Mr. PETERSON of Florida, Mr. CANADY, Mr. JOHNSTON of Florida, Mr. LEWIS of Florida, and Mrs. THURMAN.
H.R. 466: Mr. BOEHLERT, Mr. KOPETSKI, Mr. MARKEY, Mr. GUNDERSON, Mr. CHAPMAN, Mr. PRICE of North Carolina, and Mr. BILBRAY.
H.R. 518: Mr. RAVENEL, Mr. BARCA of Wisconsin, Mr. BILBRAY, Mr. KOPETSKI, and Mr. MARKEY.
H.R. 723: Mr. SMITH of Texas and Mr. GALLO.
H.R. 739: Mr. KING.
H.R. 786: Mr. ANDREWS of New Jersey.
H.R. 830: Ms. WOOLSEY and Mr. MEEHAN.
H.R. 886: Mr. WELDON and Mr. STEARNS.
H.R. 1015: Mr. FILNER.
H.R. 1172: Mr. KLECZKA.
H.R. 1181: Mr. PASTOR, Mr. LANCASTER, Mr. MINGE, and Mr. COPPERSMITH.
H.R. 1322: Mr. BEILENSEN, Ms. SNOWE, Mr. VISCLOSKEY, Mr. CASTLE, Mr. SMITH of Texas, and Mr. ORTON.
H.R. 1332: Mr. MCCRERY.
H.R. 1432: Ms. WOOLSEY.
H.R. 1504: Mr. NADLER, Mr. GRANDY, Mr. MINETA, and Mr. OWENS.
H.R. 1552: Mr. CRAPO, Mr. STEARNS, and Ms. BYRNE.
H.R. 1687: Mr. SKELTON.
H.R. 1697: Mr. NEAL of North Carolina.
H.R. 1709: Mr. GINGRICH, Mr. HANCOCK, Mr. ARCHER, Mr. BONIOR, Mr. FINGERHUT, Mr. GOSS, Mr. BARTLETT of Maryland, Mr. EMERSON, Mr. CRANE, Mr. STUMP, Mr. WOLF, Mr. THOMAS of California, and Ms. LOWEY.
H.R. 1886: Mr. SANGMEISTER.
H.R. 1900: Mr. HILLIARD.
H.R. 1935: Ms. FURSE.
H.R. 2135: Mr. TAYLOR of North Carolina.
H.R. 2145: Mr. WILSON.

H.R. 2169: Mr. LIPINSKI and Mr. NEAL of North Carolina.

H.R. 2191: Mr. LIPINSKI.

H.R. 2286: Mr. BARCA of Wisconsin and Mr. DREIER.

H.R. 2293: Mr. POMEROY.

H.R. 2360: Mr. BEILENSEN, Ms. PELOSI, and Mr. SHAYS.

H.R. 2394: Mr. MANTON, Mrs. KENNELLY, Mr. GONZALEZ, and Mr. FILNER.

H.R. 2395: Mr. MANTON, Mrs. KENNELLY, Mr. GONZALEZ, Mr. BILBRAY, and Mr. FILNER.

H.R. 2434: Mr. ROHRBACHER, Mr. BAKER of Louisiana, and Mr. INHOFE.

H.R. 2499: Mr. MCKEON and Mrs. MEYERS of Kansas.

H.R. 2572: Mr. GUTIERREZ.

H.R. 2740: Mr. RICHARDSON.

H.R. 2826: Mrs. MORELLA, Mr. GEJDENSON, Mr. MCCRERY, Mr. ACKERMAN, Ms. NORTON, Mr. SCHUMER, Mr. LEWIS of California, Mrs. MINK, Mr. FOGLIETTA, Mr. TRAFICANT, Mr. BONIOR, Mr. QUINN, Mr. ROHRBACHER, Ms. PELOSI, Mr. SMITH of Iowa, Mr. PAYNE of Virginia, Mr. KILDEE, Mr. TORKILDSEN, and Mr. DIAZ-BALART.

H.R. 2884: Ms. VELÁZQUEZ and Mr. PAYNE of Virginia.

H.R. 2886: Mr. BAKER of California, Ms. BYRNE, Mr. DORNAN, Mr. STENHOLM, and Mr. BACHUS of Alabama.

H.R. 2936: Mrs. MEYERS of Kansas.

H.R. 2938: Mrs. MEYERS of Kansas.

H.R. 2947: Mr. FILNER, Mr. WHEAT, Mr. BONIOR, Mr. TOWNS, Mr. SARPALIUS, Mr. VALENTINE, Mr. BISHOP, Mr. KILDEE, Mr. SCOTT, Mr. RANGEL, Mr. DELLUMS, Mr. FROST, Mr. GENE GREEN of Texas, Mr. SANDERS, Mr. WAXMAN of California, Mr. JOHNSTON of Florida, Mr. PARKER, Ms. FURSE, Mrs. KENNELLY, Mr. FRANK of Massachusetts, Mr. KYL, Mr. DIXON, Mr. SAWYER, Mr. HUTTO, Mr. HILLIARD, Mrs. MEEK, Mr. HOCHBRUECKNER, and Mr. SHAYS.

H.R. 2959: Mr. ROGERS and Mr. BARTON of Texas.

H.R. 2971: Mr. FISH, Mr. SANGMEISTER, and Mr. DELLUMS.

H.R. 2995: Mr. HUFFINGTON and Mr. WHEAT.
H.R. 3020: Ms. VELAZQUEZ.

H.R. 3059: Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. HOCHBRUECKNER, Mr. SANDERS, Mr. BEILENSEN, Mr. DELLUMS, Mr. GEJDENSON, and Mr. FOWLER.

H.R. 3088: Mr. NEAL of North Carolina, Mr. MORAN, Mr. MARTINEZ, and Mr. FLAKE.

H.R. 3182: Mr. HINCHEY, Mr. GUTIERREZ, and Mrs. MALONEY.

H.R. 3203: Mr. SAWYER, Ms. BYRNE, Mr. YATES, Mr. SANDERS, and Ms. VELAZQUEZ.

H.R. 3213: Mr. KOPETSKI.

H.R. 3252: Mr. RAHALL, Mr. MARKEY, Mr. BERMAN, Mr. DURBIN, and Mr. BOUCHER.

H.R. 3256: Mr. BLACKWELL, Mr. JEFFERSON, Mrs. LLOYD, Mr. ROMERO-BARCELÓ, Mr. SOLOMON, Mr. RAHALL, and Mr. TOWNS.

H.R. 3294: Mr. McDERMOTT and Mr. MORAN.
H.R. 3313: Mr. STEARNS, Mr. QUINN, Mr. SPENCE, Mr. RIDGE, Mr. KING, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 3363: Mr. HOLDEN and Mr. JOHNSON of South Dakota.

H.R. 3367: Mr. SOLOMON, Mr. BALLENGER, Mr. PAXON, Mr. BUNNING, Mr. McMILLAN, Mr. SERRANO, Mr. KYL, Mr. SUNDQUIST, Mr. GORDON, Mr. HERGER of California, and Mr. GILLMOR.

H.R. 3370: Mr. LIPINSKI and Mr. DELLUMS.

H.R. 3372: Mr. McDERMOTT, Mr. HASTINGS, Mr. HOLDEN, Mr. DORNAN, Mr. SCOTT, Mr. ACKERMAN, Mr. TORRES, Mr. BARLOW, Mr. ORTIZ, Mr. FAZIO, Mr. COPPERSMITH, Mr. HILLIARD, Mr. COLEMAN, Ms. ENGLISH of Ari-

zona, Mr. KLINK, Mr. HAMBURG, Mr. BARRETT of Wisconsin, Mr. FIELDS of Louisiana, Mr. WATT, Mr. WILLIAMS, and Mr. BROWN of Ohio.

H.R. 3396: Mr. PICKLE and Mr. HOUGHTON.

H.R. 3416: Mr. MORAN.

H.J. Res. 75: Ms. BROWN of Florida, Mr. BECERRA, Mr. DELLUMS, Mr. FOGLIETTA, Mr. DORNAN, Mr. NADLER, Mr. ORTIZ, Mr. TEJEDA, Mr. EDWARDS of Texas, Mr. DOOLITTLE, Ms. DUNN, Mr. McNULTY, Mrs. LLOYD, Mr. PRICE of North Carolina, Mr. HOYER, Mr. GEPHARDT, Mr. STENHOLM, Mr. GLICKMAN, Mr. HALL of Texas, Mr. BUYER, Mr. RAVENEL, Mrs. BENTLEY, Mr. DREIER, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. SHAW, Mr. STARK, Mr. KENNEDY, Mr. DURBIN, Mr. SWIFT, Mr. NEAL of Massachusetts, Mr. TORRICELLI, Mr. RAHALL, Mr. MOLLOHAN, Mr. DARDEN, Mr. SISISKY, Mr. MURTHA, Mr. HOLDEN, Mr. McHALE, Mr. MOAKLEY, Mr. BARRETT of Wisconsin, Mr. WASHINGTON, Ms. WATERS, Mr. MCKEON, Mr. LEWIS of Georgia, Mrs. COLLINS of Illinois, Mr. MYERS of Indiana, Ms. FURSE, Mr. TAYLOR of North Carolina, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. TORRES, Ms. ESHOO, Mr. COSTELLO, Mr. SANGMEISTER, Mr. POSHARD, Mr. PAYNE of New Jersey, Ms. WOOLSEY, Mr. LANTOS, Mr. STOKES, Mr. MONTGOMERY, Mr. SCHUMER, Mr. RICHARDSON, Mr. BLACKWELL, Ms. KAPTUR, Mr. INSLEE, Mr. ROEMER, Mr. PICKLE, Mr. THORNTON, Mr. COPPERSMITH, Ms. PELOSI, Mr. UNDERWOOD, Mrs. MEEK, Ms. DANNER, Mr. APPLEGATE, Mrs. UNSOELD, Mr. HYDE, Mr. LIVINGSTON, Mr. GINGRICH, Mr. McDADE, Mr. DICKEY, Mr. BROWN of California, Mr. OWENS, Mr. SKEEN, Mr. DIAZ-BALART, Mr. HOUGHTON, Mr. GUNDERSON, Mr. MANTON, Mr. BORSKI, Ms. MARGOLIES-MEZVINSKY, Mr. HEFLEY, Mr. LIGHTFOOT, Mr. PACKARD, Mr. FRANKS of Connecticut, Mr. VENTO, Mr. GORDON, Mr. HOBSON, Mr. CLINGER, Mr. KASICH, Mr. SCHAEFER, Mr. MFUME, Mrs. MINK, Mr. KANJORSKI, Mr. MINETA, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. MORAN, Mr. LAFALCE, Mr. WHITTEN, Mr. JACOBS, Mr. GRANDY, Mr. STUDDS, Mr. HUNTER, Mr. BAKER of California, Mr. BOEHLERT, Mr. WALSH, Mr. THOMAS of California, Mr. BARTLETT of Maryland, Mr. SUNDQUIST, Mr. GREENWOOD, Mr. DUNCAN, Mr. TAUZIN, Mr. ROGERS, Mr. EVANS, Mr. BONIOR, Mr. VALENTINE, Mr. VISCLOSKEY, Mr. WYDEN, Mr. ABERCROMBIE, Mr. ROHRBACHER, Mr. THOMAS of Wyoming, Mr. BLILEY, Mr. WELDON, Mr. TAYLOR of Mississippi, Mr. BURTON of Indiana, Mr. WHEAT, Mr. MEEHAN, Mr. LEVIN, Ms. SHEPHERD, Mr. FLAKE, Mr. COYNE, Mr. DEFazio, Mr. PICKETT, Mr. HALL of Ohio, Ms. DeLAURO, Ms. SLAUGHTER, Mrs. KENNELLY, Mr. HAYES, Mr. JEFFERSON, Mr. WATT, Mr. POMEROY, Mr. ROMERO-BARCELÓ, Mr. DEAL, Mr. MAZZOLI, Mr. MILLER of California, Mr. CARR, Mr. ANDREWS of Texas, Mrs. MALONEY, Mr. FIELDS of Texas, Mr. YATES, Mr. CHAPMAN, Mr. KILDEE, Mr. PASTOR, Mr. McCLOSKEY, Mr. STRICKLAND, Mr. SAWYER, Mr. HOKE, Mr. OBERSTAR, Mr. FORD of Michigan, Mr. KLECZKA, Mr. LAUGHLIN, Mr. HEFNER, Mr. GILCHREST, Mr. BRYANT, Mr. CAMP, Ms. SCHENK, Mr. JOHNSON of South Dakota, Mr. LEACH, Mr. INHOFE, Ms. VELAZQUEZ, Mr. DeLAY, Mr. SMITH of New Jersey, Mr. ANDREWS of Maine, Mr. FINGERHUT, Mr. DeLUCA, Mr. HAMBURG, Ms. CANTWELL, Mr. TUCKER, Ms. BYRNE, Mr. KIM, Mr. CLEMENT, Mr. BLUTE, Mr. COLLINS of Georgia, Mr. HUTCHINSON, Mr. SPENCE, Mr. MCCOLLUM, Mr. CALLAHAN, Mr. STUMP, Mr. KINGSTON, Mr. SHAYS, Mr. COBLE, Miss COLLINS of Michigan, Mr. QUINN, Mr. SWETT, Mr. OXLEY, Mr. BARLOW, Mr. BROWN of Ohio, Mr. BALLENGER, Mr. FORD of Tennessee, Mr. HORN of California, Mr. CLAY, Mr. PAXON, Mr. LEWIS of California, Mr. SOLOMON, Mr. UPTON, Mr. VOLKMER,

Mr. ROSE, Mr. SKELTON, Mr. SMITH of Iowa, Mr. HAMILTON, Mr. OLIVER, Mr. LEHMAN, Mr. BARCA of Wisconsin, and Mr. SLATTERY.

H. J. Res. 79: Mr. CASTLE, Miss COLLINS of Michigan, Mr. CONYERS, Mr. SAM JOHNSON, Mr. PORTER, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, and Mr. GALLO.

H. J. Res. 90: Mr. HOCHBRUECKNER, Mr. BACCHUS of Florida, Mr. FALCOMA, Mrs. LLOYD, and Mr. McDERMOTT.

H. J. Res. 113: Mr. PAYNE of Virginia and Mr. MANN.

H. J. Res. 159: Mr. WYNN, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. DE LA GARZA, Mr. LEWIS of Florida, Mr. HINCHAY, Mr. TAYLOR of North Carolina, Mr. GREENWOOD, Ms. MCKINNEY, Mr. TORKILDSEN, Mr. GRANDY, Mr. BISHOP, Mr. REYNOLDS, Mr. MEEHAN, Mr. KENNEDY, Mr. CASTLE, Ms. BYRNE, Mr. KLINK, Mr. CLAY, Mr. MORAN, Mr. LIGHTFOOT, Mr. CONYERS, Mr. SWETT, Mr. BERMAN, Mr. GONZALEZ, Mr. JACOBS, Mr. YATES, Mr. HOYER, Mr. SABO, Mr. MURTHA, Mr. MONTGOMERY, Mrs. MINK, Mr. SOLOMON, Mr. RICHARDSON, and Mr. BALLENGER.

H. J. Res. 175: Mr. DINGELL, Mr. GEJDENSON, Mr. BEILENSEN, Mr. CRAMER, Mr. BROWN of California, Mr. BRYANT, Mr. BREWSTER, and Mrs. THURMAN.

H. J. Res. 209: Ms. PELOSI.

H. J. Res. 216: Mr. HOYER, Mr. MICHEL, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BOEHLERT, Mr. CRANE, Mr. DORNAN, Mr. DRIER, Mr. GALLO, Mr. HEFLEY, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. RIDGE, Mr. SEXTON, Mr. UPTON, and Mr. PALLONE.

H. J. Res. 237: Mr. SCHIFF.

H. J. Res. 274: Mr. JOHNSON of South Dakota and Mr. HUGHES.

H. J. Res. 278: Mr. EDWARDS of Texas and Mr. MARTINEZ.

H. Con. Res. 52: Mr. GLICKMAN, Mrs. FOWLER, Mr. BARCIA of Michigan, and Mr. LAUGHLIN.

H. Con. Res. 148: Mr. DUNCAN, Mr. LAZIO, Mr. HYDE, Mr. EVERETT, Mr. FALCOMA, Mr. MYERS of Indiana, and Mr. SUNDQUIST.

H. Con. Res. 156: Mr. FISH, Mr. ROMERO-BARCELÓ, Ms. VELAZQUEZ, Mr. MACHTLEY, Mr. EVANS, and Mr. UPTON.

H. Con. Res. 171: Mr. MACHTLEY, Mr. MCCLOSKEY, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. KING, Mr. LIPINSKI, Mr. COPPERSMITH, Mr. BEILENSEN, Mr. YATES, Mr. BACCHUS of Florida, Mr. SEXTON, Mr. PALLONE, Mr. GORDON, Mr. SCHIFF, Mrs. MALONEY, Mr. KOPETSKI, Mr. HOCHBRUECKNER, Mr. LEVY and Mr. FROST.

H. Con. Res. 172: Mr. CRAPO.

H. Res. 156: Mr. DICKEY, Mr. ROYCE and Mr. PORTMAN.

H. Res. 165: Mr. BEVILL and Mr. ORTON.

H. Res. 234: Mr. INSLEE, Mr. PASTOR, Mr. WELDON, Mr. WOLF, Ms. PRYCE of Ohio and Mr. FAZIO.

H. Res. 277: Mr. WELDON, Ms. SCHENK, Mr. BAKER of Louisiana and Mr. BEVILL.

H. Res. 280: Mr. BREWSTER, Ms. CANTWELL, Ms. DELAURIO, Mr. DEUTSCH, Ms. ESHOO, Mr. FARR, Mr. FAZIO, Mr. INSLEE, Mr. BEREUTER, Mr. HUFFINGTON, Mr. HYDE, Mr. JOHNSON of South Dakota, Ms. SCHENK, Ms. WOOLSEY, Mrs. ROUKEMA, Mr. POMEROY, Mr. BROWN of California, Mr. COX, Mrs. SCHROEDER, Mr. WELDON, Mrs. MINK, Mr. PASTOR, Mr. PENNY, Ms. LONG and Mr. KOPETSKI.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. SOLOMON on H.R. 493: J. Alex McMillan.

Petition 6 by Mr. SENSENBRENNER on H.R. 1025: Michael Huffington.

Petition 9 by Mr. WELDON on House Resolution 227: Michael Huffington and Ernest J. Istook, Jr.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

61. By the SPEAKER: Petition of the Western Legislative Conference, Council of State Governments, relative to urging WLC members and schools to establish effective programs to prevent youth violence; to the Committee on Education and Labor.

62. Also, petition of the Western Legislative Conference, Council of State Governments, relative to requesting Federal assistance to upgrade the commercial ports of American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the Republic of Palau; to the Committee on Natural Resources.

63. Also, petition of the Western Legislative Conference, Council of State Governments, relative to calling on the WLC to actively pursue the extension of supplemental security income to needy aged, blind, and disabled citizens in U.S. flag territories; to the Committee on Ways and Means.

64. Also, petition of the Western Legislative Conference, Council of State Governments, relative to urging Congress to approve the North American Free-Trade Agreement; to the Committee on Ways and Means.

65. Also, petition of the Western Legislative Conference, Council of State Governments, relative to reducing the demand for illegal drugs; jointly, to the Committees on Education and Labor and Energy and Commerce.

66. Also, petition of the Western Legislative Conference, Council of State Governments, relative to urging Congress to approve a United States-Mexico Border Health Commission; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

67. Also, petition of the Western Legislative Conference, Council of State Governments, relative to coordination of guidance and prevention services for families; jointly, to the Committees on Ways and Means, Education and Labor, and Energy and Commerce.